



## CHAPTER 16

### KAYENTA TOWNSHIP ANIMAL CONTROL ORDINANCE

#### ARTICLE I, GENERAL

SECTION 16-101	TITLE
SECTION 16-102	AUTHORIZATION
SECTION 16-103	PURPOSE(S)
SECTION 16-104	DEFINITIONS

#### ARTICLE II, ANIMAL CONTROL

SECTION 16-201	LIMIT ON NUMBER OF ANIMALS PERMITTED
SECTION 16-202	NUISANCES
SECTION 16-203	ANIMALS AT-LARGE
SECTION 16-204	ABANDONMENT OF ANIMALS
SECTION 16-205	CRUELTY TO ANIMALS
SECTION 16-206	POISONOUS SUBSTANCES
SECTION 16-207	MAINTAINING SANITARY CONDITIONS
SECTION 16-208	DEAD ANIMALS
SECTION 16-209	LEASH
SECTION 16-210	TYING OR STAKING
SECTION 16-211	QUARANTINING OF ANIMALS EXPOSED TO RABIES
SECTION 16-212	ANIMALS AT FOOD ESTABLISHMENTS
SECTION 16-213	INTERFERENCE WITH PUBLIC UTILITIES EMPLOYEES

#### ARTICLE III, DANGEROUS ANIMALS

SECTION 16-301	NUISANCE DECLARED
SECTION 16-302	PRESUMPTION OF ANIMAL'S DANGEROUSNESS
SECTION 16-303	COMPLAINTS
SECTION 16-304	INVESTIGATION
SECTION 16-305	HEARING
SECTION 16-306	DEFENSES

#### ARTICLE IV, IMPOUNDMENT

SECTION 16-401	REASONS FOR IMPOUNDMENT
SECTION 16-402	PROPERTY OWNERS MAY IMPOUND
SECTION 16-403	ISSUANCE OF NOTICE OR CITATION
SECTION 16-404	LENGTH OF IMPOUNDMENT
SECTION 16-405	IMPOUNDED ANIMAL BECOMES PROPERTY OF TOWNSHIP
SECTION 16-406	SICK OR INJURED ANIMALS
SECTION 16-407	RECLAIMING ANIMALS AND IMPOUNDMENT FEES
SECTION 16-408	OWNER RESPONSIBLE FOR ALL DAMAGES CAUSED BY ANIMAL
SECTION 16-409	AUTHORITY TO REQUEST AND ISSUE WARRANTS

#### ARTICLE V, LICENSING OF ANIMALS

SECTION 16-501	LICENSE REQUIRED
SECTION 16-502	APPLICATION FOR LICENSE
SECTION 16-503	PROOF OF RABIES VACCINATION REQUIRED
SECTION 16-504	PAYMENT OF LICENSE FEE; EXPIRATION AND RENEWAL
SECTION 16-505	ISSUANCE OF LICENSE TAGS
SECTION 16-506	REQUIREMENT THAT TAGS BE WORN
SECTION 16-507	USE OF LICENSE TAGS
SECTION 16-508	CHANGE OF OWNERSHIP
SECTION 16-509	LOST OR DESTROYED TAGS
SECTION 16-510	REVOCATION OF LICENSE

#### ARTICLE VI, LIVESTOCK

SECTION 16-601	KEEPING OF LIVESTOCK
SECTION 16-602	UNLAWFUL FOR LIVESTOCK TO BE AT LARGE
SECTION 16-603	LIABILITY
SECTION 16-604	DEAD LIVESTOCK

#### ARTICLE VII, ANIMAL CONTROL FACILITIES

SECTION 16-701	PERMIT REQUIRED
SECTION 16-702	SAFE AND SANITARY CONDITION OF FACILITY
SECTION 16-703	PENALTY FOR VIOLATION

#### ARTICLE VIII, ENFORCEMENT

SECTION 16-801	ENFORCEMENT DUTIES
SECTION 16-802	INTERFERENCE WITH ANIMAL CONTROL OFFICER
SECTION 16-803	SELF DEFENSE
SECTION 16-804	PRIVATE PROPERTY
SECTION 16-805	ENTRY AND INSPECTION OF ANIMAL RELATED FACILITIES

ARTICLE IX. VIOLATIONS AND FEES AND PENALTIES

SECTION 16-901 VIOLATIONS

SECTION 16-902 FEES, PERMITS, FINES AND PENALTIES

## ANIMAL CONTROL ORDINANCE

### ARTICLE I - GENERAL

#### Section 16-101 Title

This Chapter shall be cited as the "Animal Control Ordinance." which is hereby amended in its entirety, and shall read as follows.

#### Section 16-102 Authorization

A. This Chapter is enacted pursuant to the general police power of the Kayenta Township ("Township") and the authorities granted to municipalities and chapters by the Navajo Nation. 26 N.N.C. § 1 *et seq.*, 2 N.N.C. §§ 4021-4029, 2 N.N.C. § 4081 *et seq.*

B. Nothing in this Chapter is intended to conflict with any applicable and controlling Navajo Nation law or regulation. Specifically, this Chapter is intended to be construed harmoniously with Navajo Nation Dog and Cat Control law, 13 N.N.C. § 1701, *et seq.*, and is not intended to impede or impair the authority of the Navajo Nation or its officials to enforce such law within the boundaries of the Township.

C. All housing subdivisions within the Township shall comply with the requirements of this Chapter and shall be primarily responsible for enforcing the rules and regulations concerning animals within their lease area.

#### Section 16-103 Purpose(s)

The purposes of this Chapter are to ensure the humane treatment of animals by regulating the care and control of animals within the Township and to promote the public health, safety, and general welfare of the citizens of the Township.

#### Section 16-104 Definitions

When used in this Chapter, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. *Animal* means any live cat or dog, both domestic and wild.
- B. *Animal Control Office* means the animal control office, department or division of the Township.
- C. *Animal Control Officer* means an employee of the Township or an agent designated by the Township to administer and enforce the licensing, inspection, and/or enforcement requirements contained within this Chapter. The Animal Control Officer shall meet the training and qualifications defined by the Kayenta Township, which shall include at a

minimum, completion of Levels 1 through 3 of the National Animal Control Association ("NACA") training. If the Animal Control Officer has not completed such training, he or she shall be required to complete such training within six (6) months of the date of hire. If the Animal Control Officer will be conducting Level 3 activities, he or she have the certificate required for such level or obtain such certificate within three (3) months after the date of hire.

D. *Animal shelter* means any facility operated or licensed by the Township for the temporary care, confinement and detention of animals and for the humane and other disposition of animals.

E. *Attack* means any biting or attempted biting or other action by an animal that places a person in danger of imminent bodily harm, or the biting of another animal.

F. *Cruelty* means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care, or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as in medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

G. *Dispose or disposition* means adoption, quarantine, voluntary or involuntary custodianship or placement of an animal, or euthanasia humanely administered to an animal. "Disposition" shall include placement or sale of an animal to the general public or removal of an animal from any pet shop to any other location.

H. *Hearing Officer* means an attorney or tribal advocate licensed to practice in the Navajo Nation Courts hired by the Township to hold hearings on a periodic and as-needed basis pursuant to Article III.

I. *Impoundment* means the taking into custody of an animal by any Animal Control Officer or his authorized representative.

J. *Kayenta Township or Township* means the government overseeing the physical area covered by this Chapter, which shall include all lands under the jurisdiction of the Kayenta Township pursuant to Navajo Nation Council Resolution CN-86-85 (Nov. 5, 1985), as amended.

K. *Licensed or Registered Veterinarian* means any veterinarian duly licensed to practice within the United States or the Navajo Nation.

L. *Licensing Authority* means the Animal Control Office of the Township or any organization designated and authorized by the Township to act as the licensing authority on behalf of the Township.

M. *Livestock* means any horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jenny, all species of swine, sheep, goat, llama, and all species of cattle.



N. *Owner* means any person or persons, firm, association or corporation, having temporary or permanent custody of, sheltering or having charge or custody of, harboring, keeping, exercising control over, or having property rights to, any animal covered by this Chapter. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

O. *Quarantine* means to obtain or isolate an animal suspected of being infected with rabies or any contagious disease.

## ARTICLE II – ANIMAL CONTROL

### Section 16-201 Limit on Number of Animals Permitted

It shall be unlawful for any person to own or keep more than four (4) animals in any combination at any one time. Notwithstanding the foregoing, any foster families designated by the Township shall be permitted to temporarily own or keep more than four (4) animals, so long as such foster family maintains compliance with regulations pertaining to fostering standards promulgated by the Township.

### Section 16-202 Nuisances

A. It shall be unlawful for any person to keep any animal on any property when the keeping of such animal constitutes a nuisance or menace to the public health or safety.

B. A nuisance involving an animal shall include the following:

1. Any animal that attacks a person or another animal or endangers the life or health of persons or other animals.

2. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in public areas or a public right-of-way.

3. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

4. Any animal that unreasonably annoys humans or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property, including but not limited to, making disturbing noises, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

5. Any animal that damages, soils, defiles, or defecates on any property other than that of its owner.

6. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

7. Any animal that is found at large pursuant to Section 7-203.

8. Any dog in a public area unless the dog is controlled by a leash or similar physical restraint:

9. Any animal in heat that is not confined so as to prevent attraction or contact with other animals.

10. Any animal that chases motor vehicles in a public right-of-way.

#### **Section 16-203 Animals At-Large**

It shall be unlawful for any owner of any animal to permit any animal to be at large, which shall include any animal that is not tied, staked, or restrained securely within an enclosure or fence while on the premises of its owner or not on a leash under the immediate control of its owner or other person responsible for the animal when off the premises of its owner.

#### **Section 16-204 Abandonment of Animals**

It shall be unlawful for any owner of any animal to willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

#### **Section 16-205 Cruelty to Animals**

A. It shall be unlawful for any person to willfully or maliciously strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering, or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals.

B. It shall be unlawful to tease, annoy, disturb, molest or irritate an animal that is confined to the owner's premises.

C. It shall be unlawful for an owner to leave an animal unattended for long periods of time on the owner's premises without food or water. If an Animal Control Officer determines that an animal is or will be without proper care because of the owner's absence, injury, illness, incarceration or other involuntary absence, the Animal Control Officer may impound such animal until reclaimed by its owner. The owner is responsible for all costs associated with the impoundment and must pay all costs before the animal is released. If the animal is not reclaimed by the owner within forty eight (48) hours from the date of impoundment, the animal shall become the property of the Township.

### **Section 16-206 Poisonous Substances**

It shall be unlawful for any person, except a licensed veterinarian for humanitarian purposes, to administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this Section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

### **Section 16-207 Maintaining Sanitary Conditions**

A. It shall be unlawful for any owner of any animal to cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or upon private property other than that of the owner, unless such owner immediately removes and disposes of all feces deposited by such animal by the following methods: (i) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and (ii) Removal of such bag or container to the property of the animal owner and disposition thereafter in a manner as otherwise may be permitted by law.

B. It shall be unlawful for any person owning, harboring, keeping, or in charge of any animal to permit any waste matter from the animal to collect and remain on the property of the owner, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's property, or to the abutting property of others.

C. It shall be unlawful for any person owning, harboring, keeping, or in charge of any animal to cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

### **Section 16-208 Dead Animals**

It shall be the duty of the owner of any animal that dies within the Township to immediately remove and dispose of the dead animal at a site identified by the Township, which site shall be designated and permitted by Navajo Nation Environmental Protection Agency and to pay all fees associated with disposal. If an owner of the dead animal neglects or refuses to remove the animal within twenty four (24) hours after discovery of the dead animal, the Township shall remove the animal at the expense of the owner or keeper. The owner shall be liable for such expenses and the Township may recover the expenses by civil action. Whenever the owner of the dead animal cannot be found or ascertained, the Township shall remove and dispose of the animal at the designated site or landfill.

### **Section 16-209 Leash**

A. Any dog, while on a street, sidewalk, public way or in any public area shall be restrained and secured by a leash or chain of sufficient tensile strength to restrain the particular



dog. Said leash or chain shall not be longer than fifteen (15) feet in a public park and shall not be longer than six (6) feet on or in any other place. An animal that is not restrained in compliance with this Subsection shall be considered at large in violation of Section 7-203.

B. Although cats shall be exempt from any leash requirements, it shall be unlawful for any owner of a cat to allow said cat to stray onto the property of anyone except the owner. Any cat found straying onto the property of anyone except that of its owner shall be deemed a public nuisance and shall be subject to impoundment by the Animal Control Officer.

#### **Section 16-210 Tying or Staking**

A. It shall be unlawful for any animal to be tied or staked upon any open or unfenced lot or land in a manner which allows the animal to come within ten (10) feet of any street, park or other public land or within ten (10) feet of any sidewalk, public passageway or building. An animal tied or staked in violation of this paragraph shall be considered at large in violation of Section 7-203.

B. If an animal is tied or staked, regardless of location, it shall be unlawful for the tie, tether, cable or chain securing the animal to be less than ten (10) feet in length. If a cable or chain is used, it shall be unlawful for the cable or chain to weigh more than one-quarter the weight of the animal. It shall be unlawful to tie, tether, chain, stake or fasten an animal in such a manner as to cause it injury or pain or not permit it to reach shelter, food or water. The owner of the animal or the person actually tying or staking the animal shall be responsible for the offense.

#### **Section 16-211 Quarantining of Animals Exposed to Rabies**

Any animal that has rabies, or symptoms thereof, or that is suspected of having rabies, or that has been exposed to rabies, shall be handled in a manner consistent with Navajo law regarding the disposition of animals exposed to rabies, which is incorporated herein by reference. See 13 N.N.C. § 1706. It shall be unlawful for any owner to fail to comply with a quarantine requirement or condition, including a home quarantine ordered by an Animal Control Officer. If an owner fails to comply, in addition to any criminal penalties, the animal shall be immediately seized and impounded.

#### **Section 16-212 Animals at Food Establishments**

A. It shall be unlawful for an owner of any animal to allow or permit such animal to enter, be or remain within any store, restaurant, café, shop, building, structure or place where food is offered for sale, displayed, served or handled for human consumption.

B. It shall be unlawful for any manager, clerk, employee, owner or operator of any place where food is offered for sale, displayed, served or handled for human consumption to allow or permit any animal to enter, be or remain within said place.

C. Support animals such as guide dogs that are trained to assist an employee or other person who is handicapped shall be exempt from this Section.

**Section 16-213 Interference with Public Utilities Employees**

It shall be unlawful for any owner or person to strategically place an animal so that the animal interferes with meter readers and other employees of public utilities in performing their duties.

**ARTICLE III – DANGEROUS ANIMALS**

**Section 16-301 Nuisance Declared**

It is hereby declared to be a public nuisance for an owner or other person to harbor, keep, or maintain a dangerous animal in the Township.

**Section 16-302 Presumption of Animal's Dangerousness**

An animal is presumed dangerous for purposes of this Article, if the animal commits an unprovoked attack against a person or another animal.

**Section 16-303 Complaints**

A. Should any person including the Animal Control Officer desire to file a complaint concerning an animal which is believed to be a dangerous animal, a sworn, written complaint must first be filed with the Animal Control Office containing the following information:

1. Name, address, and telephone number of complainant and other witnesses;
2. Date, time, and location of any incident involving the animal;
3. Description of the animal;
4. Name, address, and telephone number of the animal's owner, if known;
5. A statement describing the facts upon which such complaint is based; and
6. A statement describing any incidents where the animal has exhibited dangerous propensities in past conduct, if known.

B. It shall be unlawful for a person to file a complaint that is willfully or knowingly false or malicious. A fine shall be imposed on the person making such false or malicious claim.

## **Section 16-304 Investigation**

After a sworn complaint is filed with the Animal Control Office, the Animal Control Officer shall investigate the complaint. If the Animal Control Officer determines that there is sufficient evidence to believe the animal did commit an unprovoked attack against a person or another animal, he may file a complaint pursuant to Section 7-303.

## **Section 16-305 Hearing**

A. **Jurisdiction.** The jurisdiction for the determination of a dangerous animal in a proceeding brought under this Chapter shall be vested in a Hearing Officer hired by the Kayenta Township.

B. **Notice.** If a complaint is filed with the Hearing Officer, the Hearing Officer shall set the case for a hearing and shall give notice of the hearing to the owner of the animal named in the complaint by personal service or certified mail, return receipt requested, a least ten (10) days prior to the hearing date. Personal service may be completed by the Animal Control Officer or his designated representative.

C. **Impoundment Pending Hearing.** If the animal has not already been impounded, the Animal Control Officer shall seize and impound the animal upon personal service of the notice of hearing on the owner or three (3) days after the notice of hearing is mailed to the owner by certified mail, return receipt requested. It shall be unlawful for a person to possess and fail to release to an Animal Control Officer an animal that has been made the subject of a hearing under this Section. No person shall be allowed to reclaim the animal while a hearing under this Section is pending.

D. **Purpose of Hearing.** The purpose of the hearing is for the Hearing Officer to determine if the animal specified in the complaint is a dangerous animal. The hearing shall not commence until the complaint has been filed and notice has been properly served on the complainant.

F. **Result of Hearing.**

1. If the Hearing Officer finds that the animal is a dangerous animal:

a. The Hearing Officer shall order that the animal be destroyed or permanently removed from the Township, based on the least restrictive means necessary to protect the public health, safety, and welfare of the community according to all of the evidence presented.

b. And if the owner is not present at the hearing, the clerk shall notify the owner of that decision as well as the ordered disposition of the animal by personal service or certified mail, return receipt requested. Personal service may be completed by the Animal Control Officer.

c. The Hearing Officer shall order that the owner of the animal pay any fees due for the impoundment of the animal within 30 days of the order.

d. And if the Hearing Officer orders the removal of the animal from the Township, the owner shall have five (5) days from the date of the order to remove the animal. The owner must provide proof of the removal to the Hearing Officer within five (5) days after the deadline to remove. If adequate proof is not provided to the Hearing Officer within the required time, an Animal Control Officer shall investigate and if the animal is found within the Township, the Animal Control Officer shall immediately seize and impound the animal. Upon impoundment of such animal, the animal becomes the property of the Township and the Township shall dispose of the animal in any manner in its sole discretion. If the animal has been previously removed from the Township or is not present in the Township on the date of the hearing, the Hearing Officer shall order that animal shall be permanently banned from the Township and not be allowed to return. If the banned animal is found within the Township, the Animal Control Officer shall impound it and the Township shall dispose of the animal in any manner in its sole discretion.

e. And if the Hearing Officer orders the destruction of the animal, the Animal Control Officer shall notify the facility where the animal is kept.

2. If the Hearing Officer finds that the animal is not a dangerous animal, the animal shall be released to the owner upon payment by the owner of any maintenance fees due.

G. Unlawful to Disobey Order. It shall be unlawful for a person to possess and fail to release an animal that has been ordered destroyed or removed by the Hearing Officer to an Animal Control Officer.

### **Section 16-306 Defenses**

In a hearing pursuant to Section 7-305, the hearing officer shall determine that an animal is not dangerous if he or she finds that:

1. The threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal.

2. The person was teasing, tormenting, abusing, or assaulting the animal or has, in the past been observed or reported to have teased, tormented, abused, or assaulted the animal.

3. The animal attacked or killed was at the time teasing, tormenting, abusing or attacking the alleged dangerous animal.

4. The animal was protecting or defending its owner within the immediate vicinity of the animal from an unjustified attack or assault.



5. The animal was injured and responding to pain.
6. The animal was protecting its offspring or itself within the owner's premises.
7. The person is an employee of a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; provided however, that for any person to qualify for this defense, that person must be acting within the course and scope of his or her official duties as regards to the animal.
8. The person is a veterinarian, a person employed by a recognized animal shelter or person employed by a government or other organization to deal with stray animals and has temporary ownership, custody or control of the animal; provided however, that for any person to qualify for this defense, that person must be acting within the course and scope of his or her official duties as regards to the animal.

#### **ARTICLE IV – IMPOUNDMENT**

##### **Section 16-401 Reasons for Impoundment**

A. In addition to any other remedies provided in this Chapter, an Animal Control Officer may seize, impound, and humanely confine to an animal shelter or hospital:

1. Any animal without a valid license tag pursuant to Sections 7-505 and 7-506;
2. Any animal at large pursuant to Section 7-203;
3. Any animal constituting a public nuisance pursuant to Section 7-202;
4. Any animal that is reasonably suspected of having or determined to have rabies or a contagious disease;
5. Any animal that is in violation of any quarantine or confinement order of the Township or the Township's Hearing Officer;
6. Any animal that has committed an unprovoked attack on a person or another animal;
7. Any animal that is charged with being dangerous or potentially dangerous to public health and safety pursuant to Article III, pending a hearing;
8. Any animal that the Hearing Officer or Kayenta District Court has ordered impounded or destroyed;



9. Any animal that is considered stray, unwanted or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence;

10. Any animal that is unattended and ill, injured or otherwise in need of care;

11. Any animal that is reasonably believed to have been abused or neglected;

12. Any animal that is kept illegally;

13. Any animal that has attacked, injured or killed livestock; or

14. Any animal that is in violation of this Chapter or whose owner is in violation of this Chapter.

#### **Section 16-402 Property Owners May Impound**

Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Animal Control Office. The property owner shall provide a description of the animal and the name of the owner if known. The Animal Control Office shall dispatch an Animal Control Officer to take possession of the animal.

#### **Section 16-403 Issuance of Notice or Citation**

In addition to, or in lieu of, impounding an animal found at large, an Animal Control Officer may issue to the known owner of such animal a citation for a violation of this Chapter.

#### **Section 16-404 Length of Impoundment**

Except as provided in Articles II, the Township shall keep any licensed and unlicensed animal impounded for not fewer than forty-eight (48) hours before disposing of said animal without the consent of the owner.

#### **Section 16-405 Impounded Animal Becomes Property of Township**

A. Any animal impounded in the animal shelter for a period exceeding the times specified in this Chapter shall become the property of the Township and may be disposed of in any manner by the Township in its sole discretion.

B. Any abandoned or unclaimed animal may be sold or placed for adoption. All animals shall be spayed and neutered prior to adoption. Adoption fees may include all or part of the costs of an examination, rabies inoculation and spaying and neutering.

#### **Section 16-406 Sick or Injured Animals**

When an animal is not wearing a tag of any kind so that the rightful owner cannot be notified of their animals' sickness or injuries, any obviously sick or injured animals may be humanely euthanized by the Animal Control Officer or his authorized representative.

**Section 16-407 Reclaiming Animals and Impoundment Fees**

It shall be unlawful for any person to remove any impounded animal from the animal shelter or other facility without the consent of the Licensing Authority, provided an owner reclaiming an impounded animal shall pay all impound fees, vaccination fees, and boarding fees for animals before the animal shall be returned to the owner. If the animal is impounded for roaming at large and reclaimed within 24 hours of impoundment, penalties for roaming at large may be waived.

**Section 16-408 Owner Responsible for all Damages Caused by Animal**

The owner of an animal shall be liable for all damages or injuries that may be caused by the animal to other persons, animals or property.

**Section 16-409 Authority to Request and Issue Warrants**

An Animal Control Officer may apply for and obtain a warrant or other legal writ from the Kayenta District Court to seize any animal alleged to be in violation of this Chapter from private residences. The Kayenta District Court shall have the authority to issue such warrant.

**ARTICLE V – LICENSING OF ANIMALS**

**Section 16-501 License Required**

It shall be unlawful for any person to own, keep, or harbor any animal over the age of three (3) months within the Township unless such animal is has been issued a valid, current license by the Licensing Authority of the Township. A rabies certificate issued pursuant to Section 7-603 shall be required before a license is issued.

**Section 16-502 Application for License**

Application for such license shall be made by the owner to the Township within ten (10) days after acquiring any dog or cat over three (3) months of age or within ten (10) days after a dog or cat becomes three (3) months of age; provided that any owner moving to the Township for the purpose of establishing residence, and otherwise required to obtain a license, shall have until ten (10) days after moving to obtain such a license.

**Section 16-503 Proof of Rabies Vaccination Required**

A. All owners applying for a license must present a written Certificate of Anti-Rabies Vaccination by a licensed veterinarian, or must otherwise show to the satisfaction of the

Licensing Authority of the Township that the animal for which the license is being obtained has been inoculated against rabies. Said certificate must show the name and address of the owner of said animal and contain a description of the color, breed, sex and weight of said animal together with the kind and amount of vaccine used and the date of administration, and certifying that said animal was so vaccinated and immunized against rabies.

B. It shall be unlawful for any animal present in the Township not to be vaccinated against rabies. Every owner of an animal shall furnish proof of rabies vaccination prior to being issued a license under Section 7-501.

#### **Section 16-504 Payment of License Fee; Expiration and Renewal**

A license fee shall be paid at the time of making application as required by the Licensing Authority. An animal license shall be renewed annually and no later than the date of its expiration.

#### **Section 16-505 Issuance of License Tags**

Upon payment and acceptance of the license fee and proof of rabies vaccination, the Licensing Authority shall issue a durable license tag, stamped with the year of issuance and an identification number for the animal for which the license has been obtained. Said license shall also contain information indicating that the animal has been inoculated for rabies or a separate rabies tag shall be issued.

#### **Section 16-506 Requirement That Tags Be Worn**

It shall be unlawful for any animal for which the owner is required to obtain a license to not wear a valid license tag required by Section 7-505 at all times, securely attached to a collar around the neck of the animal.

#### **Section 16-507 Use of License Tags**

It shall be unlawful for any person to use a license for any animal other than the animal for which the license was issued. It shall also be unlawful for any person to remove from the neck of any animal the license tag issued pursuant to Section 7-505, or alter such tag in any manner.

#### **Section 16-508 Change of Ownership**

If there is a change in ownership of a licensed animal, the new owner shall have the license transferred to his name. Application for such transfer shall be made to the Licensing Authority and be accompanied by the required fee.

#### **Section 16-509 Lost or Destroyed Tags**

If such tag is lost or destroyed, the owner shall apply to the Licensing Authority of the

Township for a replacement tag by presentation of the applicable vaccination-registration certificate accompanied by the required fee.

#### **Section 16-510 Revocation of License**

If any person holding a license for an animal refuses or fails to comply with this Chapter or any law governing animals, an official notice shall be given of the intention to revoke the license. If, within seven (7) days after office notice is given, evidence shows the offense has not been corrected, the license shall be automatically revoked. Whenever a license is revoked, the owner of the licensed animal shall have the opportunity for hearing if the owner files a written request with the Kayenta Township within seven (7) days of receiving written notice of the receipt of a request for a hearing. If no request for a hearing is received, the revocation or denial becomes final. Any unlicensed animal because of the nonissuance or revocation of a license is subject to the impoundment and disposal procedures of this Chapter.

### **ARTICLE VI – LIVESTOCK**

#### **Section 16-601 Keeping of Livestock**

A. All livestock shall be confined to the premises of the owner. Livestock shall be enclosed with adequate fences or barriers that shall be sufficient to prevent the livestock from escaping the enclosure or damaging shrubbery or other property situated on adjacent property.

B. The owner keeping any livestock shall keep all yards, barns, pens, stables, sheds or other enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons or ordinary sensibilities in the immediate vicinity, or to breed or attract flies, mosquitoes or other noxious insects or rodents, or in any manner to endanger the public health, safety, or welfare, or to create a public nuisance.

#### **Section 16-602 Unlawful for Livestock to Be at Large**

It shall be unlawful for any livestock to be at large off the property of the owner of the livestock. The owner of the livestock found to be at large shall be responsible for the offense.

#### **Section 16-603 Liability**

To insure the public safety and to avoid serious accidents, any livestock that is in a public roadway or that is in danger of getting on a public roadway will be tranquilized if possible, or, in extreme cases, such as when livestock are injured or become aggressive, destroyed by Animal Control Officers. If it is necessary to tranquilize or destroy livestock to prevent property damage or injuries, the Township will not be liable for damages to the owners of said livestock.

#### **Section 16-604 Dead Livestock**

It shall be the duty of the owner of livestock that dies within the Township to immediately remove and dispose of the dead livestock at a site identified by the Township,



which site shall be designated and permitted by Navajo Nation Environmental Protection Agency and to pay all fees associated with disposal. If an owner of the dead livestock neglects or refuses to remove it within twenty four (24) hours after discovery of the dead livestock, the Township shall remove the dead livestock at the expense of the owner. The owner shall be liable for such expenses and the Township may recover the expenses by civil action. Whenever the owner of the dead livestock cannot be found or ascertained, the Township shall remove and dispose of it at the designated site or landfill.

## **ARTICLE VII – ANIMAL CONTROL FACILITIES**

### **Section 16-701 Permit Required**

No person, partnership, corporation, joint venture, agency or organization shall operate an animal shelter, commercial facility, temporary commercial facility or other animal facility or hauling trucks to transfer animals within or from the Township without first obtaining a permit in compliance with this Section. All permits shall expire on December 31 of every year, and all fees shall be prorated for any fraction of the licensing year.

### **Section 16-702 Safe and Sanitary Condition of Facilities**

All facilities covered by this Article VII shall be operated in a safe and sanitary manner and shall meet all health and safety and other standards of the Township and Navajo Nation and comply with all laws of the Township and Navajo Nation at all times. The Township shall inspect such facilities at least once a year.

### **Section 16-703 Penalty for Violation**

The penalty for violation of this Article shall be a fine set pursuant to Section 7-902 and/or revocation of a permit.

## **ARTICLE VIII – ENFORCEMENT**

### **Section 16-801 Enforcement Duties**

A. Animal Control Officers shall be the enforcement officials for this Chapter. These officials shall have the authority to act on behalf of the Township in investigating complaints, impounding animals, disposing of animals, issuing citations, and taking other lawful actions as required for enforcing the provisions of this Chapter.

### **Section 16-802 Interference with Animal Control Officer**

B. It shall be unlawful for any person to interfere with any Animal Control Officer in



the performance of his duties hereunder.

### **Section 16-803 Self Defense**

Upon attack by an animal or by the owner of the animal, an Animal Control Officer can defend himself, at his discretion, taking such means as he deems necessary in that situation.

### **Section 16-804 Private Property**

For purposes of discharging the duties imposed by this Chapter, and to enforce the same, an Animal Control Officer may enter upon private property to the full extent permitted by law. An Animal Control Officer shall have the right to pursue and apprehend an animal which is at large onto private property without first requesting permission from the owner of the property before entering the property or without obtaining a search warrant, provided such entry does not include a residence or dwelling.

### **Section 16-805 Entry and Inspection of Animal Related Facilities**

A. Whenever it is necessary to make an inspection to enforce any of the provisions of this Chapter or to perform any duty imposed by this Chapter or other applicable law regarding animals or whenever an Animal Control Officer has reasonable cause to believe that there exists in any building, structure or upon any premises any violation of this Chapter or other applicable law, the Animal Control Officer is authorized to enter such property at any reasonable time during business hours and to inspect the same and to perform any duty imposed upon the Animal Control Officer by this Chapter or other applicable law, provided that if such property be occupied, the Animal Control Officer shall first present proper credentials to the occupant and request to enter explaining the reason therefore and obtain permission from said occupant.

B. Notwithstanding the foregoing, if the Officer has reasonable cause to believe that the keeping or the maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the Animal Control Officer shall have the right to immediately enter and make such inspection, whether or not permission to inspect has been obtained. If the property is occupied, the Officer shall first present proper credentials to the occupant and demand entry, explaining the reasons therefore and the purpose of inspection.

C. Whenever an Animal Control Officer is denied admission to inspect any premises under this Chapter and the Officer cannot determine whether violations exists on the premises, the Animal Control Officer is authorized to request a warrant for the inspection of the premises from the Kayenta District Court to enter and inspect the premises.

## **ARTICLE IX – VIOLATIONS AND FEES AND PENALTIES**

### **Section 16-901 Violations**

It shall be a violation of the Chapter to:

- A. Fail to comply with any provision of this Chapter;
- B. Fail to comply with any lawful order of the Kayenta Township Commission, Kayenta Township, or Animal Control Officer, unless such order is lawfully stayed or reversed.
- C. Fail to comply with any lawful order of the Hearing Officer or Kayenta District Court.

**Section 16-902 Fees, Permits, Fines and Penalties**

- A. Any person violating this article may be deemed guilty of violating a Township ordinance and may be punished by a fine not to exceed \$500.00. Each day of violation shall be deemed a separate offense.
- B. The fees, permits, fines and penalties applicable to this Chapter shall be established by the Kayenta Township Commission by resolution, which shall be updated annually or as needed.