

**BISHOP PAIUTE TRIBE**  
**TITLE 7 – HEALTH AND SAFETY**  
**CHAPTER 7.2– DOG CONTROL CODE**  
**ENACTED BY TRIBAL COUNCIL: November 2, 2021**

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**Section 1. Findings and Purpose**

A. The Bishop Paiute Tribal Council as the duly elected governing body of the Bishop Paiute Tribe finds as follows:

1. Unvaccinated, uncontrolled, and vicious dogs pose a significant threat to public health, safety, general welfare and property on the Bishop Paiute Reservation, due to the potential for rabies infection, injury, and possible death from dog attacks on humans, livestock, and other animals;
2. The dog population, if uncontrolled and not properly managed, will increase the likelihood and propensity for dogs to become public nuisances;
3. There have been an increasing number of dogs allowed to run loose on the Bishop Paiute Indian Reservation without proper control, restraint or confinement;
4. If allowed to continue, unabated, these loose dogs pose a threat to pedestrians, other animals (livestock), other animals, and property, not to mention the possibility of the dog being hurt or killed by a vehicle or person in fear of his/her safety;
5. Measures need to be put in place to ensure the publics' safety and ensure the safety of these dogs; and
6. Measures must be put in place to ensure all dog owners are held accountable for their dog's actions within the exterior boundaries of the Bishop Paiute Indian Reservation.

7. The Tribal Council has determined a need to require that all dogs be vaccinated against rabies and to establish methods for controlling dogs in order to ensure public health, safety, and protection of residents and property on the Bishop Paiute Reservation.

B. It is the purpose of this Code to address the above findings for the benefit and protection of the public health, safety, and general welfare of the Bishop Paiute Reservation, its residents, and animals.

## **Section 2. Authority and Jurisdiction**

The Tribe shall exercise its sovereign authority and jurisdiction under this Code to regulate dogs on all lands within the Reservation as a matter of tribal law. Once this Code is adopted by the Bishop Paiute Tribal Council, it shall be known as the "Dog Control Code".

This Code is applicable to all dogs, owners of dogs, whether Tribal members or not, and animal impound and shelter facilities within the exterior boundaries of the Bishop Paiute Reservation. All previous tribal dog control codes, laws, regulations and ordinances regarding dogs are hereby rescinded and are hereafter null & void and of no effect.

Once this Code is adopted by the Bishop Paiute Tribal Council, it shall be within the jurisdiction of the Bishop Paiute Tribal Court.

## **Section 3. Definitions**

The following terms, when used in this Code shall have the meanings ascribed to them in this Section, except where context clearly indicates a different meaning:

- A. "Animal Control Officer" means that person or designated representative employed by the Bishop Paiute Tribe to administer and enforce this Code.
- B. "Current rabies vaccination" means an anti-rabies vaccination that is effective for the calendar year, or portion of the calendar year, for which an identification tag is requested.
- C. "Dog owner" or "Owner" means any person or entity that owns, keeps, or harbors a dog.
- D. "Domestic animals" means all animals kept by the owner for pleasure and companionship, which include but is not limited to dog, cat, rabbit, birds, etc.
- E. "Fine" means a monetary penalty for violation(s) of this Code to be paid by tribal and non-tribal members to the Tribe
- F. "Identification tag" means a tag issued pursuant to this Code to a dog to be affixed to the dog's collar indicating that the dog has a current rabies vaccination.
- G. "Impound" means taking into custody a dog and placing it in a tribal or other public/county animal impound or shelter facility or animal control department or with a provider of animal control services (i.e. privately owned kennels).

- H. "Livestock" means any animal kept by the owner for profit or personal use (i.e. cows, horses, chickens, sheep, goats, etc., and shall include fowls).
- I. "Loose Dog" means any dog not restrained from leaving the owner(s) property by means of a leash, chain or by being fenced in, or under direct control of the owner and allowed to roam freely within the exterior boundaries of the Bishop Paiute Indian Reservation. This includes, but is not limited to premises or properties of another person without consent of the property owner, and on roads, streets, or any other public access area. Dogs on a leash while walking/running with owner or another person are not to be considered "loose dogs". Dogs under the direct control of the owner, or family/friends dogs, shall be allowed to run around owner's property unleashed with or without a fence, as long as the dog can be controlled at all times.
- J. "Reservation" means the lands designated as the Bishop Paiute Indian Reservation.
- K. "Restitution" means monetary reimbursement for any costs associated with injury or death to "livestock", domestic animal, person or persons, or property damage, including court costs.
- L. "Small Claims" means filing a small claims case in Bishop Tribal Court.
- M. "Stray dog" means any dog on Reservation property, not wearing a current identification tag.
- N. "Tribe" means the Bishop Paiute Tribe.
- O. "Tribal Council" means the duly elected five-member governing body of the Bishop Paiute Tribe.
- P. "Tribal Court" means the Bishop Paiute Tribal Court.
- Q. "Vicious dog" means any dog that displays a menacing temper and ferocity and, when unprovoked, attacks or bites a person causing injury or death or unprovoked attacks or bites livestock or a domestic animal causing serious injury or death.

**Section 4. Animal Control Officer**

**A. Establishment of Animal Control Officer and Duties.**

There is hereby established the tribal Animal Control Officer (ACO) position for the purpose of enforcing this Code. The Animal Control Officer is hereby delegated the authority and discretion to:

1. conduct investigations and issue citations and other notices, as appropriate, to dog owners for violations of this Code and of any rules, regulations or policies relating thereto.
2. enter, as necessary, upon all Reservation lands and perform such duties as are necessary and lawful under this Code to enforce the provisions of this Code.
3. seize, capture, transport and transfer dogs to impoundment facilities, whether located on or off the reservation, in accordance with this Code and any rules, regulations and policies relating thereto.

4. execute on behalf of the Tribe and unknown owners of dogs all administrative forms necessary for the seizure, capture, transport and disposition of dogs and enforcement of this Code.
5. destroy or otherwise have humanely put to death any dog when in the judgment of the Animal Control Officer such action is deemed justified and appropriate pursuant to this Code.
6. when acting in the course and scope of his duties, carry on his person and in his vehicle, firearms or weapons of a type and caliber approved by the Bishop Tribal Council.
7. issue notices of and give testimony at hearings on any matter relating to and conducted in accordance with this Code.
8. enforce the requirements of this Code and decisions issued by the Tribal Court.

**B. Animal Control Officer Identification Required.**

In performing his duties, the Animal Control Officer shall carry on his person an identification card or official tribally issued badge indicating his position. Such identification must be displayed to any person upon request.

**C. Animal Control Equipment**

In the performance of his duties, the Animal Control Officer shall have authority to employ the use of firearms, as authorized by the Tribal Council, and such other equipment commonly used and necessary for animal control purposes. See Section 4(A)(6) above.

**D. Resisting, Hindering or Obstructing Animal Control Officer is a Violation**

It is unlawful for any person to resist, hinder, or obstruct the Animal Control Officer in the exercise of his duties.

**Section 5. Vaccination and Identification Tag Required of All Dogs**

**A. Required Vaccination**

1. All dogs over the age of four (4) months are required to be vaccinated against rabies at the dog owner's expense.
2. The required vaccination shall be performed by any licensed veterinarian or any clinic that is operated under the supervision of a licensed veterinarian.
3. Written certification of anti-rabies vaccination shall be obtained by the owner at the time the vaccination is performed.
4. All dogs shall be re-vaccinated every three (3) years.

**B. Required Identification Tag**

1. All dogs, except those under four (4) months of age, that have received an anti-rabies vaccination are required to wear an identification tag issued by the Animal Control Officer.
2. Upon presentation of proof of a current anti-rabies vaccination and payment of applicable fees, the dog may be issued an identification tag, which shall be securely fastened to the dog's collar. The tag shall display an identification number that shall be recorded and referenced to the dog owner's mailing or physical address. The tag must be worn at all times by the dog for which the tag is issued.
3. A replacement tag may be issued for a lost or mutilated tag for the same cost as the tag last issued to the dog, provided all vaccination requirements have been met and all applicable fees paid.
4. A fee shall be established by the Tribal Council for issuance of an identification tag. Such fee shall be subject to revision.

## **Section 6. Impoundment**

### **A. Dogs Subject to Impoundment.**

1. Any dog not wearing a valid identification tag will be considered a stray dog and subject to capture and impoundment; and
2. Any loose dog as defined in this Code is subject to capture and impoundment.

### **B. Impoundment Process.**

1. A dog may be impounded at any designated facility for that purpose, whether located on or off the Reservation. The Animal Control Officer shall notify the dog's owner, if known, within three (3) business days of impoundment. The owner of the dog shall be subject to all applicable rules, regulations, policies, fees and expenses of the facility at which the dog is impounded. A fee schedule for impound services may be established by the Tribal Council for tribally owned impound facilities located on the Reservation. Such fee schedule shall be subject to revision.
2. Subject to applicable rules and regulations of the impoundment facility, the owner of the dog shall have ten (10) business days under tribal law, from the time that notification of impoundment is given to the owner, to reclaim the dog. After the ten-day period and if not reclaimed, the dog may be adopted by a new owner or otherwise disposed of in accordance with the rules, regulations, and policies of the impound facility, subject to the terms and conditions of the impoundment facility which is the owner's responsibility to check.
3. All impound fees and expenses for a dog must be paid by the owner or new owner before the dog is released from impoundment.

### **C. Identification Tag Required Post-Impoundment**

A dog that is reclaimed or given to a new owner must be confirmed to have a current anti-rabies vaccination and valid identification tag within ten days of release from impoundment. Proof shall be provided to the Animal Control Officer within ten days of release of impoundment or the dog will be subject to impoundment again and the owner may be cited by the Animal Control Officer.

**Section 7. Vicious Dog**

A. When, in the judgment of the Animal Control Officer, a dog behaves in such a manner that meets the definition of a "vicious dog" in Section 3(Q) above by displaying a menacing temper and ferocity and unprovoked either attacks or bites a person causing injury or death, or attacks or bites livestock or a domestic animal causing serious injury or death, the Animal Control Officer may at his discretion:

1. Issue a citation to appear in court;
2. Require that the owner shall immediately and at all times keep the dog securely fastened to a chain or securely confined within the private property of the owner in such a manner as to prevent the dog from having the opportunity to bite a person or other animal. In such event, the Animal Control Officer shall post on the premises, wherein the dog is kept, a conspicuous sign stating that a vicious dog is present on the premises. Removal of the sign by any person other than the Animal Control Officer shall be a violation of this Code;
3. Impound the dog for a minimum of ten (10) days at a facility, in accordance with the procedure under Section 6(B) or to have said dog disposed of, including destroying the dog at the owner's expense, in accordance with facility policy; or,
4. Take immediate action against the dog, including destroying the dog, to cease the dog's menacing activities without a hearing.

**Section 8. Restrictions on Shooting**

No person, other than the Animal Control Officer in Section 7 above, may shoot a dog unless there is an immediate threat to the safety of themselves, another person, or livestock on their property, or property leased or rented for their livestock.

**Section 9. Enforcement Procedure**

In addition to any other remedy under this Code, this Code shall be enforced through individual complaints and citations by the Animal Control Officer. In addition, any person who has suffered damage of persons or property due to a violation of this Code has a right to file a Small Claims Complaint in Tribal Court against a dog owner to seek monetary reimbursement for any costs associated with the violation.

**A. Complaint**

1. Any person, who believes that a person, a dog or dog owner has violated any provision of this Code, may file a written complaint with the Clerk for the Tribal Court who shall provide the Animal Control Officer with a copy of the complaint for purposes of investigation. All complaints must contain the name, address and telephone number of the person making the complaint and must be signed by such person. No special form is required for the complaint. However, all complaints should contain a detailed and concise description (names, dates, locations, dog owner, etc.) of the incident being reported. The complaint must also state that the person filing the complaint is willing to provide testimony at any hearing conducted as a result of the complaint.

2. The Animal Control Officer is responsible for investigating all dog complaints. An investigative report must be completed no later than seven (7) calendar days following the filing of a complaint. The investigative report must be signed by the Animal Control Officer and a copy provided to the person who filed the complaint as well the dog owner, if known.
3. If, following an investigation, the Animal Control Officer is satisfied that there is cause to proceed with the complaint, the Clerk for the Tribal Court shall schedule a hearing on the complaint. The hearing must be scheduled at the earliest available court date that will provide at the minimum ten (10) calendar days notice to all parties.

**B. Citation by Animal Control Officer**

The Animal Control Officer may issue citations for any violation of this Code and shall file citations with the Clerk for the Tribal Court.

**C. Notice of Hearing and Availability of Reports to Dog Owner**

The notice or citation shall state the date, time and location of the hearing. The notice or citation must be either: personally served on the dog owner; mailed by certified mail, return receipt requested, to the owner at his or her last known address; or posted in a conspicuous place on the dog owner's residence, provided however that service by posting shall only be used when the authorized official cannot determine the last known address of the person. A copy of the complaint or citation as well as any other information the Animal Control Officer relied upon in making his investigative report, shall be provided to the dog owner upon request, prior to the hearing.

**D. Hearing and Court Decisions**

The hearing will be held at such date, time and location as determined and noticed by the Tribal Court or Animal Control Officer. The hearing will be open to the public. All hearings will be held without a jury. The dog owner, any complainant, and the tribal Animal Control Officer will have an opportunity to present their case. The Tribal Court may admit all relevant evidence, including former complaints, incident reports and affidavits of witnesses, limit the scope of discovery, and determine the time to produce records or witnesses. The dog owner may be represented by counsel at the owner's expense. The Tribal Court's decision shall be based on the preponderance of evidence and shall be issued within five (5) working days after the hearing is completed. The Tribal Court shall clearly state the factual basis for the decision.

**E. Failure of Owner to Appear at Hearing**

The failure of the dog owner or his/her designated representative to appear at the hearing shall not serve to delay or invalidate in any way the hearing process or procedure or any final decision issued by the Tribal Court, however this does not limit the Tribal Court's discretion to continue hearings and any other procedure it deems necessary or reasonable under the circumstances.

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**F. Fines and Penalties**

1. Except as provided in subsections 2, 3, 4, 5, and 6 below, a violation of any provision of this Code is punishable by a fine of not more than seventy-five dollars (\$75.00) for a first offense, and by a fine of not more than one hundred dollars (\$100.00) for a second or subsequent offense. Each violation shall constitute a separate infraction.
2. Violation of Section 4(D) of this Code, resisting, hindering, or obstructing the Animal Control Officer, or violation of Section 8, is punishable by a fine of not more than two hundred and fifty dollars (\$250.00) in addition to any restitution the court deems necessary.
3. Violation of any provision of this Code that results in serious injury or death to a domestic animal is punishable by a fine of not more than two hundred and fifty dollars (\$250.00). "Serious injury" as used in this subsection means injury of a degree of severity that the injured animal suffers some permanent damage.
4. Violation of any provision of this Code that results in injury to a person is punishable by a fine of not more than two hundred and seventy-five dollars (\$275.00).
5. Violation of any provision of this Code that results in serious injury or death to a person is punishable by a fine of not less than five hundred dollars (\$500.00) but no more than one thousand dollars (\$1,000.00). "Serious injury" as used in this subsection means injury of a degree of severity that the injured person suffers some permanent damage due to bodily injury, including scarring.
6. Violation of any provision of this Code that results in serious injury or death to livestock, as defined, is punishable by a fine of not less than five hundred dollars (\$500.00) but no more than one thousand dollars (\$1,000.00). As used in this subsection, "serious injury" means injury of a degree of severity that the injured animal must be destroyed or injury that results in the fair market value of the animal being reduced to a level at which it may not be profitably sold.
7. In addition to a fine, the Tribal Court may order the dog impounded at owner's expense.
8. In addition to a fine, the Tribal Court may issue an order that the dog be destroyed if found to be vicious at owner's expense.
9. In addition to a fine, impoundment, or an order of destruction of a vicious dog, the Tribal Court may issue an order for restitution to any aggrieved party.
10. In the event that a dog owner is a tribal member of the Tribe and fails or refuses to comply with an order/judgment of the Tribal Court, whether for the payment of sums awarded under this Section as fines or restitution or any other order of the Tribal Court, the Tribal Court has, in addition to any other available remedies, and is given further grant of authority to order one or more of the following penalties within its discretion in order to obtain compliance with its orders/judgments:
  - i. Order the suspension of selective Tribal services identified and limited to DMV exemption, enrollment card verification, and sales tax certification within the discretion of the Tribal Court.



- ii. Order the suspension of eligibility to receive Tribal per capita and State of California Special Distributions or, in the alternative, the use of such Tribal per capita and State distributions to satisfy any and all outstanding orders/judgments of the Tribal Court.

Once the dog owner is in compliance with the appropriate Tribal Court order/judgment, the Tribal Court will order that any and all of the above remedies as set out above shall no longer be in effect and that the dog owner will be reinstated for Tribal services, Tribal programs or Tribal per capita payments if otherwise eligible.

**G. Finality of Determination**

The decision of the Tribal Court shall be final and conclusive onto all parties. There shall be no appellate review of the final decision.

**Section 10. General Provisions**

**A. Severability**

If any provision of this Code or the application thereof to any person, entity or circumstance is held to be invalid, the remainder of the Code shall remain in effect.

**B. Rules, Regulations, Policy and Procedures**

The Tribal Council may establish such other rules, regulations, policy and procedures as are consistent with this Code and necessary for effective administration and enforcement of this Code.

**C. Amendments**

This Code and the procedures promulgated hereunder may be amended or rescinded by the Tribal Council at a duly called regular or special meeting.

**D. Effective Date**

This Code shall be effective from the date of its approval by the Tribal Council.

**E. Repeal of Previous Tribal Law**

Tribal Council hereby repeals any and all previous ordinances, codes, laws, and regulations relating to dog control and dog vaccinations and declares that this Code supersedes any and all previous dog ordinances, codes, laws, and regulations.

**F. Sovereign Immunity**

Nothing in this Code shall be construed as a waiver of immunity from suit for monetary damages, injunctive or declaratory relief and specifically does not waive the sovereign immunity of the Bishop Paiute Tribe, Bishop Tribal Council, or any officer, employee or agent thereof as relates to any subject matter contained in this Code.


**CERTIFICATION**

The foregoing Code was passed at a duly called meeting of the Bishop Paiute Tribal Council held on the 2 day of NOVEMBER, 2021 with a quorum present and voting 4 AYES, 0 NAYS, 0 ABSTAINING, and 0 ABSENT and the Tribal Council Chairman not voting.

BISHOP TRIBAL COUNCIL:

ATTEST:

  
Tribal Council Chairman

  
Tribal Secretary

Date: 11/2/21

Date: 1/2/2022

Legislative History:

6/24/2009	Ordinance Drafted
6/24/2009	Enacted as Dog Control Ordinance No. 2009-02
6/24/2009	Ordinance signed by Tribal Council.
No Date	Temporary Amendment to Bishop Indian Tribal Dog Ordinance No. 2009-02
1/22/2019	Public Hearing on Amendments (Amendments consolidated both Dog Control Ordinance and Temporary Amendment to)
1/29/2019	Public Hearing on Amendments
2/5/2019	Public Hearing on Amendments
11-2-2021	Enacted as the Dog Control Code
11-2-2021	Enforcement date.