

**KICKAPOO TRADITIONAL TRIBE OF TEXAS
AMENDED & RESTATED DOMESTICATED ANIMAL CONTROL ORDINANCE**

Section 1. Authority

- a. Article VIII of the Constitution of the Kickapoo Traditional Tribe of Texas (the "Constitution") grants the Tribal Council the power to make laws, including codes, ordinances, and resolutions.
- b. Article VII Section (j) of the Constitution grants the Tribal Council the power to safeguard the peace, safety, welfare and political integrity of the Tribe by enacting appropriate resolutions or ordinances for this purpose.
- c. Article VII, Section (n) of the Constitution grants the Tribal Council the power to regulate and maintain law and order on lands within the Tribe's jurisdiction.
- d. Article VII, Section (t) of the Constitution grants the Tribal Council the power to regulate domestic relations and other internal affairs of the Tribe.

Section 2. Applicability

This Ordinance applies to all lands under the jurisdiction of the Kickapoo Traditional Tribe of Texas ("KTTT").

Section 3. Purpose

This Ordinance establishes the policies and procedures for the control of Animals on lands under the jurisdiction of the KTTT.

Section 4. Definitions

The following terms used in the Ordinance have the following meanings:

- a. "Jurisdiction" means the official power to make legal decisions and judgments.
- b. "Animal" means an animal of any kind, domestic or non-domestic.
- c. "Animal Control Authority" means the KTTT Environmental Protection Agency or any other official, person, or organization designated by the KTTT to perform the functions of this Ordinance.
- d. "Cat" means any male or female animal of the cat kind, whole or neutered or spayed.
- e. "Dog" means any male or female animal of the dog kind, whole or neutered or spayed.
- f. "Domesticated Animal" means all cats and dogs, male and female, spayed or unspayed, neutered or unneutered, of any age.
- g. "Farm Animal" means those animals commonly associated with a farm or performing work in an agriculture setting. This includes horses, cattle, sheep, poultry, fowl, swine, goats, rabbits, and other animals associated with a farm, ranch, or stable.
- h. "Gamecock" means a rooster of a fighting breed or trained for fighting.

- i. “Non-Domesticated Animal/Exotic Pet” means those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people, including but not limited to poisonous or dangerous snakes, large cats, skunks, raccoons, wolves, coyotes, foxes, hybrids of the previous canids with dogs, monkeys, and other primates.
- j. “Owner” means any person, entity, organization, or department possessing, harboring, keeping, or having an interest in, or having control or custody of, an animal.
- k. “Proper Enclosure” means, while on the owner’s property, a dog shall be securely confined indoors or in a securely enclosed and locked pen or gated area suitable to prevent the entry of young children and designed to prevent the animal from escaping.
- l. “Running at Large” means any dog found on public property or on the property of any person other than the person owning or keeping the dog, unless the dog is accompanied by a person exercising control over the dog, within the jurisdiction of the KTTT.
- m. “Stray Dog or Cat” means a dog or cat whose owner cannot be ascertained upon reasonable inquiry, and/or a dog or cat roaming the streets or on the property of any person other than the person owning it.
- n. “Vicious Dog” means a dog that when unprovoked does any of the following:
 1. Inflicts bites on a person or a domesticated animal either on public or private property; or
 2. Chases or approaches a person upon the street, sidewalks, or in any public place in a menacing manner, and any dog with a known propensity, tendency, or disposition to attack without provocation, to cause injury, or to otherwise threaten the public safety.

Section 5. Non-Domesticated Animal/Exotic Pets

- a. The keeping of non-domesticated animals, except for farm animals on agricultural land, or exotic pets is strictly prohibited on KTTT lands except as may be authorized by the Tribal Council.
- b. Grandfather Clause: Any person who owns, possesses, keeps, or harbors exotic animal(s) on or before the effective date of this Ordinance shall be permitted to continue ownership or possession as long as they meet all the requirements set in this Ordinance. However, these animals may not be bred and once they die, they may not be replaced.

Section 6. Vaccination

All dogs and cats over four (4) months of age owned by an individual(s) residing on KTTT lands must be vaccinated for rabies. It is owner’s responsibility to make sure all dogs and/or cats are vaccinated. Domesticated animal owners must show proof of vaccination to an Animal Control Authority staff member or a Tribal Police Officer upon request or such owners will be subject to fines and other penalties of law.



Section 7. Registration

All dogs and cats over four (4) months of age that are owned by an individual(s) residing on KTTT lands must register their animals at the KTTT EPA Department.

Section 8. Keeping of Dogs and Cats

The keeping of more than two (2) dogs or two (2) cats or one (1) dog and one (1) cat in a single or multiple dwelling unit, except by special permit of the Department of Housing, shall be deemed a public nuisance and unlawful, subject to enforcement and penalty under the KTTT Penal Code §18-505. The owner of a dog(s) or a cat(s) must be able to properly care for and control such animals. If a special permit is approved to exceed these limitations a copy of such permit must be submitted to the KTTT EPA Department during the registration process.

Section 9. Stray Dogs

All dogs owned by individuals residing on tribally-owned land must be confined within a fence or restrained by a chain or leash. Any stray dogs will be reported to the KTTT EPA Animal Control Authority and will be subject to this Ordinance regarding stray dogs. All expenses incurred will be the responsibility of the owner of the dog(s). Pursuant to this Ordinance, unclaimed dogs will be euthanized in a humane manner after three (3) days of confinement.

Section 10. Running at Large

- a. No owner of any dog or cat shall allow the dog or cat to run at large within the jurisdiction of the KTTT.
- b. It shall be the sole responsibility of the dog or cat's owner to pay for any medical bills incurred in the event that his/her pet is injured in a motor vehicle accident.

Section 11. Seizure

Any dog or cat found running at large in violation of this Ordinance shall be subject to seizure by the Animal Control Authority.

Section 12. Animal Confinement

Any dog or cat that bites an individual must be immediately confined by our Animal Control Authority that will decide whether (i) the owner is allowed to quarantine the animal for ten (10) days or (ii) the animal will be placed in the Tribal animal shelter where the KTTT EPA Department will monitor, feed, and monitor the dog or cat's behavior in a daily log for those ten (10) days in quarantine.



Section 13. Disturbances

No person shall own, keep, or harbor any dog within the jurisdiction of the KTTT which by loud, continuous, or frequent howling, yelping, or barking creates an unreasonable annoyance, disturbance, or danger to the health, welfare, or repose of any person. Such disturbances shall be deemed a public nuisance and unlawful, subject to enforcement and penalty under the KTTT Penal Code §18-505.

Section 14. Vicious Animals / Biting / Injury

- a. Keeping Vicious Animals. No owner shall have a vicious animal within the jurisdiction of the KTTT unless the animal is muzzled and restrained under the control of a responsible person or confined in a proper enclosure.
- b. Seizure of Vicious Dogs. If a vicious dog is discovered Running at Large and cannot be safely seized, the dog shall be euthanized by an Animal Control Authority. Any vicious dog is subject to immediate seizure and may be euthanized for any of the following reasons:
 1. The dog is not maintained in a proper enclosure.
 2. The dog is outside of the dwelling of the owner or outside of a proper enclosure and not under the physical restraint of a responsible person.
 3. The owner fails to provide proof of current rabies vaccination.
- c. Biting.
 1. It shall be unlawful for any person who owns or who has under their immediate care an animal, when unprovoked, bites or inflicts injury including but not limited to bruising, scratching, breaking of skin or any other evidence consistent with a bite, to any human being or animal which may result in the victim seeking medical attention or veterinary care.
 2. Any person who is found to be in violation of this Section 14 shall be subject to (a) a civil fine of up to \$500.00 for each violation (see Schedule of Fines) and (b) additional liability under Section 15. Further, the animal at issue shall be quarantine at the owner's expense, the owner shall be liable for the cost of medical and/or veterinary care for the animal, and the owner may be responsible for the costs of euthanizing the animal.

Section 15. Liability

- a. Every person owning or keeping an Animal shall be liable in monetary damages for any injury committed by such animal and it shall not be necessary in any action brought therefor to allege or prove that such animal was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous. Proof of provocation of an attack by any injured person, however, may be a complete defense to any action for damages.
- b. The owner of an Animal may be liable for three times (3x) the full amount of monetary damages caused by the Animal injuring or causing injury to a person, livestock, or property,



if the owner was notified or knew that the Animal previously injured or caused injury to a person, livestock, or property; provided, further, such animals shall include Vicious Dogs.

Section 16. Abandonment

It shall be unlawful to abandon any Animal within the jurisdiction of the KTTT or for any owner of a dog or cat to neglect to furnish adequate food, care, or shelter for the animal.

Section 17. Waste Removal and Dead Animal Disposal

- a. It is unlawful for the owner or person having charge, custody, or control of any Animal to fail to immediately remove and dispose of, in a sanitary manner, any solid waste deposited by such animal on public or private property. This section shall not apply to blind persons with guide dogs.
- b. Dead animal disposal shall be the responsibility of the animal's owner. The staff of Animal Control Authority will not pick-up and dispose of dead animals for owners. Exceptions may be made in extreme circumstances at the discretion of the Animal Control Authority supervisor. If any Animal Control Authority staff member or Tribal Police Officer, acting in his/her official capacity, picks up and disposes of a dead animal, the owner of said animal shall be responsible for any costs associated with the clean-up and/or disposal of the animal's carcass.

Section 18. Animals in Vehicles

- a. No person shall transport or carry, on any KTTT roadway, any animal or livestock in a motor vehicle unless that animal or livestock is safely enclosed within the vehicle or protected by a cage, container, or other device that can prevent the animal or livestock from being thrown from, or jumping from, the motor vehicle.
- b. No person shall leave an animal in an unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures that may adversely affect the animal's health or welfare.

Section 19. Prohibited Acts

- a. Dog fighting and Gamecock fighting are prohibited. No person shall own or harbor dogs or Gamecocks for the purpose of training a dog or a Gamecock to attack or cause injury to any domesticated animal.
- b. It shall be unlawful for any person to keep or sell any animal which is actually know or reasonably believed to be infected with any communicable disease, or which is afflicted with any painful disease believed to be incurable.
- c. Animal neglect is unlawful. Any person owning or having charge, care, custody or control of any domesticated animal, including poultry and livestock, within lands of the KTTT must

reasonably care for said animal and treat it in a humane manner. This includes, but is not limited to, providing adequate food, clean water, shelter, and medical attention for the animal, as needed.

Section 20. Issuance of Citations

The Animal Control Authority or Tribal Police shall issue a citation to a person when, based upon personal observation, eyewitness reports, or investigation, the officer has reasonable cause to believe that the owner has committed a violation of this Ordinance. The citation will detail the offense, the time, date, and location of offense and an exact time and date at which the owner must appear at the KTTT Tribal Court.

The owner shall pay any applicable fine within thirty (30) days from the date the citation was issued to the KTTT Tribal Court in full satisfaction of the violation. If the owner chooses to contest the citation, it must be done within the thirty (30) days from date listed on the citation. Upon a plea or a finding by the Tribal Court of culpability, a person cited under this Ordinance shall be subject to a monetary forfeiture of not less than \$25.00, and not more than \$500.00 per violation, or the forfeiture of any animal seized, or both, as provided under this Ordinance.

The KTTT Tribal Court fee on summons in violation of this Ordinance shall be established by the Tribal Court.

Section 21. Enforcement, Authority, and Penalty

- a. It shall be unlawful to do any act prohibited under this Ordinance or fail to do any act required under this Ordinance.
- b. Persons cited under the Public Nuisance Act §18-505 KTTT Penal Code shall be subject to its enforcement and penalty provisions.
- c. The provisions of this Ordinance may be enforced by the Animal Control Authority or any Tribal Police officer. The Animal Control Authority or Tribal Police Officers may issue citations to the KTTT Tribal Court for the enforcement of this Ordinance.
- d. At any and all times, the Animal Control Authority and/or Tribal Police Officers shall have the right to inspect the animal(s) and where it is housed within the jurisdiction of the KTTT and upon reasonable notice. Any party who intentionally interferes with or obstructs the inspection violates this Ordinance.
- e. Animal Control Authority and/or Tribal Police Officers are hereby delegated and shall have the power to capture animals, and/or use physical force when necessary to self-protect, protect others, and/or protect other animals.
- f. The Animal Control Authority shall have the power to enter property (public or private) when, in the course of executing the duties and obligations under this Ordinance, it has



reasonable cause to believe a violation of this Ordinance is occurring, and has reason to believe that a potential harm has occurred, or is about to occur.

- g. It is unlawful for any person to interfere with the Animal Control Authority staff and/or Tribal Police Officers in the course of performing their duties under this Ordinance and the laws of the KTTT. Persons found in violation of this Ordinance may also be subject in the courts of competent jurisdiction to applicable federal laws involving the treatment of animals.

Section 22. Severability

If any provision contained in this Ordinance is held invalid, illegal, or unenforceable, the enforceability of the remaining provisions shall not be affected or impaired thereby.

Section 23. Inter-Agency Cooperation

The Animal Control Authority is hereby authorized to coordinate and cooperate with area agencies, including but not limited to the KTTT Tribal Police, and any other agency as may be necessary and appropriate.

Section 24. Amendment

This Ordinance may be amended from time to time by the Tribal Council.

Section 25. Effective Date


This Ordinance shall become effective upon its adoption by the Tribal Council, and may be amended, amended and restated, or repealed at any time and for any reason by the Tribe.

Section 26. Sovereign Immunity

Nothing in this Ordinance shall be deemed or construed to be a waiver of the sovereign immunity of the Kickapoo Traditional Tribe of Texas, its officials, its entities, or employees, acting within their official or individual capacities.

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KICKAPOO TRADITIONAL TRIBE OF TEXAS Tribal Court	
SUBJECT: First Amended Domesticated Animals/Exotic Pets Schedule of Fines	NUMBER PAGE 1 OF 2 -----

All fines must be paid to the Kickapoo Tribal District Court within thirty (30) days from the date the citation was issued.

A contest to the citation must be filed within the thirty (30) days from the date listed on the citation.

A Court appearance for contested citations shall be scheduled for the next available Court Docket.

Monetary fines shall not be less than \$50.00 and not more than \$500.00 per violation except for a fine indicated under Public Nuisance and/or costs related to Section 15.

Violation of Section 5 - Keeping of a non-domesticated animal.

Violation of Section 6 – Failure to vaccinate.

Violation of Section 7 – Failure to place a collar on animal.

Violation of Section 8 – Exceeding limit of keeping dogs and cats.

Violation of Section 9 – Failure to confine dogs within a fence or restrained by a chain or leash.

Violation of Section 10 – Allowing dog or cat to run at large.


Violation of Section 16 – Abandonment.

Violation of Section 17 – Animals in Vehicles.

The fine schedules for the above violations are as follows:

1 st Offense	\$50.00
2 nd Offense	\$100.00
3 rd Offense	\$200.00
4 th Offense	\$250.00
5 th Offense	\$500.00

Violation of Section 13 – Public Nuisance can be punishable by a fine of up to \$1,000 and/or (1) year imprisonment.

KICKAPOO TRADITIONAL TRIBE OF TEXAS Tribal Court	
SUBJECT: First Amended Domesticated Animals/Exotic Pets Schedule of Fines	NUMBER PAGE 2 OF 2 -----

Violation of Section 15 – Liability costs may be determined up to three times (3x) the full amount of monetary damages caused by the Animal injuring or causing injury to a person, livestock, or property.

Violation of Section 18 – Prohibited Acts.

a. Dog fighting and Gamecock fighting:

1st Offense	\$300.00
2nd Offense	\$400.00
3rd Offense	\$500.00

b. Keeping or selling an animal infected with any communicable disease:

1st Offense	\$100.00
2nd Offense	\$250.00
3rd Offense	\$500.00

c. Animal neglect:

1st Offense	\$200.00
2nd Offense	\$350.00
3rd Offense	\$500.00

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