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Temporary Amendment to

Bishop Indian Tribal Dog Ordinance No 2009-02

A, minimum, 14 day grace-period should be put in place to allow a dog owner(s) compliance without fear of immediate citations/fines.

With the increasing number of dog complaints being received by the Bishop Tribal Council and Bishop Paiute Tribal Police Department this Amendment seeks to address these issues in an effort to control the dog problem on the Bishop Paiute Indian Reservation.

Findings and Purpose of Amendment to Ordinance:

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

- b) There are an increasing number of dogs allowed to run loose on the Bishop Paiute Indian Reservation without proper control, restraint or confinement.
- c) If allowed to continue, unabated, these loose dogs pose a threat to pedestrians, other animals (livestock), 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.
- d) Measures need to be put in place to ensure the publics' safety and ensure the safety of these dogs.
- e) The Bishop Tribal Council needs to ensure all dog owners are held accountable for their dog's actions within the exterior boundaries of the Bishop Paiute Indian Reservation.

Applicability

This Amended Ordinance is applicable to all dogs, owners of dogs, whether Tribal members or not, within the exterior boundaries of the Bishop Paiute Reservation.

Definitions

"Dog Owner" or "Owner" means any person or entity that owns, keeps, or harbors a dog.

"Loose Dog" means any dog not restrained from leaving the owner(s) property by means of a leash, chain or fenced in, or under direct control of and allowed to roam freely within the exterior boundaries of the Bishop Paiute Indian Reservation. This includes, but is not all inclusive, on roads, streets, or any other public access area.

"Warning" means any verbal or written notice from duly appointed representative(s) of the Bishop Tribal Council, (not limited to Tribal Police, Public Safety or Animal Control Officer).

"Citation" means a written notice directing the owner(s) to appear in Bishop Tribal Court to answer to a complaint filed against the owner and to give testimony as to why the owner shouldn't be held accountable for the actions of his/her dog.

"Fine" means a monetary restitution for violation(s) of the ordinance to be paid by tribal and non-tribal members.

"Impound" means taking into custody a dog and placing it in a tribal or other public/county animal impound or shelter facility, or, with a provider of animal control services (Le., privately owned kennels).

"Impound Fees" means any fees charged by any animal control facility as described above~

"Small Claims" means filing a small claims case in Bishop Tribal Court

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"Restitution" means monetary reimbursement for any costs associated with injury or death to "livestock", person or persons, or property damage, including court costs.

Leashed/Confined Dogs

By order of this Amended Ordinance, all dogs, within the exterior boundaries of the Bishop Paiute Indian Reservation, shall be kept within the boundaries of the owner(s) property, with exception to walking/running with dogs. In this instance, dogs shall be kept on a leash at all times while on the Bishop Paiute Indian Reservation.

If under the direct control (voice commands) of the owner(s), or family/friends, dogs shall be allowed to run around owner(s) property unleashed, with or without a fence, as long as dog can be controlled at all times.

Fines and Penalties:

These fines and fees eliminate, and replace, the previous fines and fees as established in the Dog Control Ordinance 2009-02, Section 12.1

A minimum fine of fifty-dollars (\$50.00) for a first offense, and, a minimum fine of seventy-five (\$75.00) for a second or subsequent offense, shall be imposed. Each violation shall constitute a separate fine.

In the event a dog bite occurs on a person a minimum fine of one hundred fifty-dollars (\$150.00) shall be imposed and a minimum fine of two hundred dollars (\$200.00) shall be imposed for a second or subsequent offense. This fine is in addition to any other fines imposed as stated in Dog Control Ordinance 2009-02, Sections 12.2 and 12.3

Victim Remedies:

Victim shall have the right to file a Small Claims Complaint, against the Defendant, in Bishop Tribal Court to seek monetary reimbursement for any costs associated with the violation.

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Impoundment

At the discretion of the Bishop Tribal Council, Tribal Court Judge, Bishop Tribal Police, Public Safety or Animal Control Officer, a dog may be impounded at any designated facility, as defined above under "Impound", if it's deemed necessary that the dog should be removed from the owner(s).

Animal Control/Facility Fees:

Any, and all, fees charged by an impound facility are the sole responsibility of the dog owner(s). The Bishop Paiute Tribe will not be held liable for any owner fees.

Complaints:

Per section 13.0 of the Dog Control Ordinance No 2009-2, complaints may be filed by **any person** who believes that a dog owner is in violation on any provision of this Ordinance. (Refer to Section 13.0 for Complaint procedures).