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December 6, 2018

Habematolel Pomo of Upper Lake
General Membership

Subject: ANNOUNCEMENT / Information Release – Dog/Canine Ordinance Adoption

On the 26th of October 2018, the Executive Council voted to adopt the Tribe's enclosed Dog/Canine Ordinance (applicable to the Upper Lake Rancheria) by way of Resolution Number 10-18-05 signed in to law/effect October 27, 2018.

Therefore the purpose of this correspondence is to formally announce and provide to you, the General Membership the newly adopted ordinance for your thorough review and records. This ordinance can also be found on the Tribe's website at the following link:

<https://www.upperlakepomo.com/forms/HPUL-Constitution/pdf>

If you have any questions feel free to stop by the HPUL-Tribal Office or contact the Executive Council at ec@hpultribe-nsn.gov.

Sincerely,

Anthony Arroyo, Sr.
Tribal Administrator
Habematolel Pomo of Upper Lake
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HABEMATOLEL POMO OF UPPER LAKE
DOG/CANINE ORDINANCE



Adopted: 10-26-2018, Resolution No. 10-18-05

Ordinance Number
2018-10-02

TITLE:

This ordinance shall be known as the Stray Dog/ Nuisance Ordinance.

AUTHORITY:

The Habematolel Pomo of Upper Lake Executive Council is the duly elected governing body of the Habematolel Pomo of Upper Lake Tribe; a federally recognized Indian Tribe which is eligible for all rights and privileges afforded to a federally recognized Indian Tribe and enacts this Ordinance by the power and authority granted under the Habematolel Pomo of Upper Lake Constitution.

PURPOSE:

The purpose of this ordinance is to address the problems of stray dogs and/or dogs at large located on lands recognized by the Habematolel Pomo of Upper to be tribal lands. Additionally the intent is to cause owners of the offending animals to be responsible for the actions of the animals. It is also to cause the owner's to bear responsibility for their own actions or inactions regarding the keeping and caring of dogs on tribal lands.

DEFINITIONS:

Running At Large - A dog running at large means any dog found within the boundaries of Tribal lands, on public property or other person(s) property that is not properly restrained.

Animal Care & Control Authority - This term means a person appointed to receive complaints and determine solutions. The person would have authority given to him/her by the Habematolel Pomo of Upper Lake, Executive Council. It would also mean any local or state animal care and control agencies that are called in for assistance.

Stray Dogs - A stray dog is a dog without an owner's identification tag/collar and whose owner cannot be located or contacted.

DEFINITIONS:

Vicious Dogs- This term means any dog that when unprovoked:
Inflicts bites on humans or domestic animal(s) on either public or private property; or
Chases or approaches a person upon the street or any public or private property in a threatening manner, or any dog with a known propensity, tendency, or disposition to attack when unprovoked; to cause injury or otherwise threaten the safety of humans or other animals.

A proper enclosure for a vicious dog is the following:
Securely enclose dog/canine indoors;
A securely enclosed pen that locks that provides means of avoiding the elements. There also should be adequate water, food and shelter provided for all dog(s)/canine(s).

Owner - This term means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

Tribal Lands – All land recognized by the Habematolel Pomo of Upper Lake to be utilized by Tribal Members and descendants of the Tribe and within the boundaries of the “Old Upper Lake Rancheria.”

Section 1. Running-At-Large

No person owning or having control of any dog shall allow him to run at large within the boundaries of Tribal lands.

Section 2. Vicious Dogs

No person shall keep, own, or possess within Tribal lands any vicious dogs unless securely contained as referred to above. They also may be walked on a leash by a responsible party who can keep the animal under control/restrained. Vicious dogs should never be allowed to run at large at anytime.

Section 3. Duty of Owner Found Harassing Livestock.

It shall be the duty of the Owner/Keeper of any dog(s) found chasing, biting, or injuring any livestock, domestic animals or game animals to prevent this action. If the animal is injured appropriate action against the dog and Owner(s) shall be instituted. This can include monetary recompense, detainment of the dog(s) at the local animal care and control facility, or in extreme cases euthanasia.

Section 4. Liability of Owners

The Owner shall be responsible for damages caused by its animal. The only exception is when the animal is provoked and it can be proven. The Habematolel Pomo of Upper Lake, Executive Council shall have final decision in these matters.

Section 5. Identification and Registration

Any dog found within Tribal lands shall be duly licensed by the County of Lake, Animal Care and Control. The dog/canine(s) shall wear those tags at all times outside of the Owner's personal property/fencing. The Lake County Animal Care and Control shall be the agency to issue legal licensing for all animals (domestic, exotic or game).

Section 6. Seizure of Dog(s) Running At Large

Any dog found running at large will be considered in violation of this HPUL Dog/Canine Ordinance and shall be subject to seizure by the local county Animal Care and Control Authority.

Section 7. Enforcement

The Habematolel Pomo of Upper Lake Tribe may bring an action for a civil penalty against any person(s) who have violated this HPUL-Dog/Canine Ordinance. The Habematolel Pomo of Upper Lake Tribe may bring any action for forfeiture of any articles or animals seized by reasons of use in activities prohibited under this HPUL-Dog/Canine Ordinance. Such action may include the imposition of a fine, not to exceed \$500.00; plus assessment of any cost the Habematolel Pomo of Upper Lake Tribe may have incurred through the impounding of the offending animal(s).

CERTIFICATION


We the undersigned Officers of the Habematolel Pomo of Upper Lake (the "Tribe"), being the Chairperson and Secretary of the Executive Council (EC) of the Tribe, do hereby certify that the Executive Council is composed of seven (7) Council Members, of which 7 were present, constituting a quorum, at a *monthly* meeting thereof, duly called, noticed and conducted on this day of **OCTOBER 26, 2018** by way of Resolution was adopted by an affirmative vote of **5 YEAS, 0 NAYS, and 1 ABSTENTIONS**. We further certify that since its adoption this Resolution has not been rescinded, amended, or modified in any way.

DATED SIGNED: November 6th, 2018

ATTEST:



SHERRY TREPPA,
Executive Council (EC) Chairperson



IRIS PICTON,
Executive Council (EC) Secretary

