

SOUTHERN UTE INDIAN TRIBAL CODE

TITLE 18

ANIMAL CONTROL CODE

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TITLE 18

SOUTHERN UTE INDIAN TRIBAL CODE

ANIMAL CONTROL CODE

Article 1. GENERAL PROVISIONS

18-1-101. Purpose of Code. The purpose of this Animal Control Code is to provide for the control of pet animals and livestock, to protect the health, safety, and welfare of the inhabitants of the Southern Ute Indian Reservation and to protect property and livestock on the reservation from damage by or disease originating with pet animals and livestock.

18-1-102. Definitions. When used in this Code, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

- (1) **Animal Control Clerk.** Clerk of the Animal Control Section of the Wildlife Conservation Department.
- (2) **Animal Control Section.** The section of the Southern Ute Indian Tribal Wildlife Conservation Department with responsibility for the administration and enforcement of this Animal Control Code.
- (3) **Animal Control Shelter.** Facility administered and maintained by the Animal Control Section for the purpose of confining animals impounded pursuant to this Code.
- (4) **Animal Control Supervisor.** The administrator of the Animal Control Section.
- (5) **Breeding Establishment.** A facility open to the public that provides breeding services on a commercial basis.
- (6) **Cat.** A domestic feline of either sex over 3 months old, including one neutered or sterilized.
- (7) **Certificate of Vaccination.** Primary document that verifies that an animal has a current rabies vaccination.
- (8) **Commercial Operation.** A business operated for profit, which includes the use of pet animals as part of that business.
- (9) **Dog.** A domestic canine of either sex over 3 months old, including one neutered or sterilized.

- (10) **Equestrian.** A person on horseback.
- (11) **Estrus.** The period of time when the female animal is sexually receptive.
- (12) **Guard Dog.** A dog which is used for the protection of people or property.
- (13) **Harass.** To unlawfully endanger, worry, impede, annoy, pursue, disturb, molest, rally, concentrate, harry, chase, drive, herd or torment.
- (14) **Impound.** The action of putting a pet animal or livestock under the control of a person authorized to exercise such control by this Code.
- (15) **Keeper.** Any person who keeps and cares for a pet animal or livestock, or provides a premises to which the animal returns for food, shelter, or care.
- (16) **Kennel.** A facility where pet animals are bred, raised, trained, or boarded.
- (17) **Lawful Fence.** A well-constructed four-strand barbed wire fence supported by substantial posts set at distances of 16-20 feet apart, with wire spacing on the posts approximately twelve inches from ground to bottom strand and 10-inch spacing between the remaining strands of wire. The fence shall be sufficient to turn ordinary horses and cattle, with all gates equally as good as the fence, or any other fence of like efficiency which meets these minimum standards.
- (18) **License.** The primary document granting permission to own, keep or possess a dog under this Code.
- (19) **License Tag.** A card, label or other identification device issued by the Animal Control Section for attachment to a collar or harness to be worn by a dog as evidence of proper licensing.
- (20) **Livestock.** Domestic animals usually used or raised on a ranch or farm for resale, personal use, or consumption.
- (21) **Neuter.** To make sterile by castration.
- (22) **Owner.** Any person who has a right of property in an animal or who keeps or possesses an animal or allows an animal to remain about his premises for a period of 72 hours or longer, claims responsibility for an animal or is documented on paper as the responsible party for an animal.
- (23) **Pet Animal.** Any species of animal which is sold or owned as a household pet, but shall not include livestock as defined in this Code.
- (24) **Pet Shop.** A facility open to the public that is principally in business to sell pet animals.

- (25) **Possessor.** Any person who has control of an animal either by property right or as an agent of an owner or keeper.
- (26) **Rabies Tag.** A card, label, or other identification device issued by the veterinarian for attachment to a collar or harness to be worn by a pet animal as evidence of a current rabies vaccination.
- (27) **Rabies Vaccination.** Vaccination of a pet animal with an anti-rabies virus approved by the Colorado State Department of Health and administered by a licensed Doctor of Veterinary Medicine.
- (28) **Reservation.** The Southern Ute Indian Reservation.
- (29) **Resident.** A resident is any person that resides on the Southern Ute Indian Reservation for more than 30 consecutive days in any one year.
- (30) **Spay.** To make sterile by removing the ovaries.
- (31) **Stray.** Any pet animal or livestock which has no identifiable owner, keeper or possessor.
- (32) **Tribal Council.** The Southern Ute Indian Tribal Council, the governing body of the Southern Ute Indian Tribe.
- (33) **Tribal Police Officer.** An officer of the Southern Ute Police Department.
- (34) **Wildlife.** Any form of animal life generally living wild in a state of nature, including all wild mammals, birds, fish, reptiles, and amphibians and their nests, eggs and spawn, except those species of animals that are normally considered domesticated.

18-1-103. Authority and Duties of the Animal Control Section.

- (1) The Animal Control Section is responsible for the administration and maintenance of the Animal Control Shelter and for the administration and enforcement of the Animal Control Code.
- (2) The Animal Control Section shall be administered by the animal control supervisor, who, in turn, shall be supervised by the Wildlife Conservation Department director. The animal control supervisor shall be assisted by animal control officers, animal control shelter attendants, and such other personnel as may be necessary.
- (3) Wildlife conservation officers, tribal police officers, the animal control supervisor and animal control officers shall have the authority to enforce this Title.

- (4) The animal control supervisor and animal control officers shall have the authority to enter onto privately owned property within the reservation as needed to carry out the provisions of this title, or if the health or life of an animal is in danger, and provided that neither the owner nor occupant of the property is present on the premises. This provision shall not limit the authority of the animal control supervisor or animal control officers to enter onto privately owned property for the purpose of issuing a citation.

Article 2. PET ANIMALS

18-2-101 Rabies Vaccinations.

- (1) Every owner, possessor or keeper of a dog or cat 3 months of age or older shall have such animal vaccinated against rabies. All dogs and cats vaccinated at 3 months of age shall have a booster shot at 1 year and shall be re-vaccinated annually thereafter. New residents shall comply with this section within 30 days after becoming a resident. If the dog or cat has bitten any person or another animal within the last 10 days, the owner, possessor or keeper of the dog or cat shall report such fact to the Animal Control Section, and no rabies vaccine shall be administered until after a ten-day observation period.
- (2) Every owner, possessor, or keeper of a dog or cat that has such animal vaccinated shall obtain a certificate of vaccination and a rabies tag from the person providing the vaccination.
- (3) The rabies tag shall be attached to a collar or harness to be worn by the vaccinated dog or cat at all times.
- (4) Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal which received the vaccination and for which the certificate was originally issued.
- (5) Any person having knowledge that an animal has bitten a human shall immediately report the incident to the Animal Control Section or the Southern Ute Police Department.
- (6) Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in an animal shall immediately report the incident to the Animal Control Section or Southern Ute Police Department, stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks a domestic animal, such incident shall also be reported.
- (7) Any animal which has bitten a person shall either be observed for a period of 10 days from the date of the bite, or analyzed for rabies virus by a laboratory at the

option of the owner, possessor or keeper. If the animal is not confined on the owner's, possessor's, keeper's premises, confinement shall be by impoundment at the Animal Control Shelter, or at any veterinary hospital of the owner's, possessor's or keeper's choice. Such confinement shall be at the expense of the owner, possessor or keeper. Stray animals whose owners, possessors or keepers cannot be located shall be confined at the Animal Control Shelter. The owner, possessor or keeper of any animal that has been reported to have bitten any person shall on demand produce such animal for impoundment or laboratory analysis, as prescribed in this section.

18-2-102 Dog License.

- (1) A dog over the age of 3 months must be licensed before August 1 of each year. Dogs acquired after August 1 in any calendar year shall be licensed within 30 days after such acquisition; when the dog is under 3 months old at the time of acquisition the license shall be obtained within 30 days after the dog reaches 3 months of age.
- (2) New residents shall have 30 days after becoming residents to license dogs over the age of 3 months.
- (3) Application for a dog license shall be made on forms provided by the Animal Control Section. Such application will require proof of current rabies vaccination.
- (4) There shall be no annual license fee for each dog which has been spayed or neutered; a license fee in accordance with a fee schedule established by the Animal Control Section and approved by the Tribal Council, will be charged for each dog which has not been spayed or neutered.
- (5) Upon acceptance and approval of a license application, the Animal Control Section will issue a license tag. The license tag shall be attached to a collar or harness to be worn by the licensed dog at all times.
- (6) In the event of loss or destruction of the original license tag, the owner, possessor or keeper shall immediately obtain another license receipt and tag from the Animal Control Section. Duplicate licenses and tags shall be issued upon payment of a fee.
- (7) Dog licenses are not transferable.

18-2-103 Commercial License.

- (1) A person that desires to be exempt from the provisions of §18-5-111 may be so exempted by obtaining a commercial license pursuant to this section.

- (2) Application for a commercial license shall be made to the Animal Control Section by filing an application with the Animal Control Clerk, together with an application fee of \$50. The application must be accompanied by the written consent to the commercial operation by at least 75% of all persons in possession of premises within 200 feet of the property upon which the commercial operation is to be located or maintained. The application shall state the name and address of the owner, and if different from the owner, the operator of the proposed commercial operation, the exact location of the kennel, if any, a detailed description of the business which is to be conducted on the licensed property and detailed drawings of any buildings or other structures currently located on the property or to be constructed on the property which are to be used in the commercial operation.
- (3) Upon receipt of an application, the Animal Control Clerk shall establish a date, time and place where the Tribal Council will hold a public hearing to determine whether the requested license should be issued. At that hearing, the Tribal Council shall determine whether or not the person who is applying for the commercial license intends to operate a commercial kennel, pet shop, breeding establishment or other commercial operation rather than a facility to keep more than three personal pets in violation of §18-5-111, and whether or not the proposed operation would constitute a nuisance or health hazard in the proposed location.
- (4) Upon a finding by the Tribal Council that the person requesting the license intends to have a commercial operation rather than one for personal purposes, and upon a finding that the proposed operation would not constitute a nuisance or health hazard, the Animal Control Section shall issue a commercial license to the applicant. The license shall be valid for a period of one year from the date of issuance and may be renewed upon application by the person holding the license and upon payment of a fee of \$25. An application for license renewal may be made within 60 days prior to the expiration date. Persons who fail to obtain a license renewal shall be required to reapply for a new license.

18-2-104 Revocation of Commercial License. The Tribal Council may, either upon complaint of any person or on their own initiative, hold a hearing to determine whether a commercial license should be cancelled or revoked. A commercial license may be revoked by the Tribal Council upon the finding of any of the following:

- (1) That the person holding the license refuses or fails to comply with this title.
- (2) That the commercial operation constitutes a nuisance or health hazard.
- (3) That the operation is in fact being used for personal purposes rather than for commercial purposes.

18-2-105 Liability of Owner.

- (1) Every owner, possessor or keeper of a pet animal shall be liable for any injury or damage committed by such animal.
- (2) Where an injury or damage has been caused by two or more pet animals acting together and such animals are owned, possessed or kept by different persons, all such persons shall be liable jointly and severally for any injury or damage caused by the animals.

18-2-106 Impoundment. Animals owned, possessed or kept in violation of this title shall be taken into custody and impounded. Stray animals shall also be impounded.

18-2-107 Disposition of Impounded Pet Animals. Notice of impoundment shall be given to the owner, possessor or keeper, if known, as soon as practicable. Any impounded animal shall be released to the owner, possessor or keeper upon payment of the impoundment fee, care and feeding charges, veterinarian charges, and any other costs. If an impounded animal is not claimed within 5 working days, the animal shall be considered abandoned and may be placed for adoption or humanely euthanized at the discretion of the Animal Control Section.

18-2-108 Impoundment Fees. An impoundment fee and a daily boarding fee shall be charged for each animal impounded in accordance with a fee schedule established by the Animal Control Section and approved by the Tribal Council. Charges will also be made for any other expenses incurred for care of the animal while the animal is impounded.

Article 3. LIVESTOCK

18-3-101 Fence Maintenance.

- (1) Under Colorado Law, it is the duty of the Colorado Division of Transportation to maintain right-of-way fences along and adjacent to all federal aid highways constructed by the division, where such highways are maintained by the division. On all state or federal aid highway road construction projects where the division of highways constructs a right-of-way fence along and adjacent to such construction project, in whole or in part, it is the duty of the division to maintain the same.
- (2) Where agricultural or grazing lands of two or more persons adjoin, whether or not such lands are farmed or grazed, it is the duty of the owner, allottee or assignee of each tract to build one-half of the line fence, such fence to be a lawful fence as defined in §18-1-102(17) of this Title. When the owner, allottee

or assignee of any agricultural or grazing lands owns a previously erected lawful fence upon any line between such land and the agricultural or grazing lands of any other person, and such other person occupies the adjoining land, it is the duty of such owner, allottee or assignee to pay the person owning such fence one-half of its cash value.

- (3) Partition fences between agricultural and grazing land shall be erected and also kept in repair at the joint cost of the owners of the respective adjoining tracts, except as otherwise agreed by such owners. If, after 30 days written notice, served personally or by registered mail by either the owner or tenant of one tract upon the owner or tenant of the other tract, such other owner neglects or refuses to erect or repair one-half of the partition fence, the person giving notice may proceed to erect or repair the entire partition fence and collect by a civil action one-half the entire cost thereof from the other owner.
- (4) Where agricultural or grazing lands adjoin a roadway, whether or not such lands are farmed or grazed, it is the duty of the owner, allottee or assignee to build a fence a minimum of 30 feet from the centerline of such roadway, between such land and the roadway. Such fence shall be a lawful fence as defined in §18-1-102(17) of this Title.
- (5) When any person builds a fence by mistake on someone else's land and when that fact is discovered through a legal survey, such person may go on the premises and remove the fence at any time within one year after giving or receiving notice that the section line has been established. When the fence to be removed encloses a cultivated field of the other party, no person shall remove such fence until the last crop of the season has been harvested.

18-3-102 Livestock Trespass. Whenever any person stocks land not enclosed by a lawful fence, on which such person has a lawful right to pasture or forage livestock, and any of such livestock pasture, forage, or water on the lands of another person, or whenever any person stocks land with livestock on which such person has no lawful right to pasture, forage or water livestock, he shall be deemed a trespasser and shall be liable in damages and subject to injunction.

18-3-103 Recovery for Trespass.

- (1) All damages sustained on account of trespasses referred to in §18-3-102 may be recovered, together with court costs, and the trespassing livestock may be taken into custody by the person damaged and held as security for the payment of damages and costs. A court of competent jurisdiction may issue an injunction to prevent further trespasses. In any action for trespass where the injury complained of has been aggravated and attended by a willful or reckless

disregard of the injured person's rights, the court or jury may in addition to awarding actual damages include reasonable punitive damages.

- (2) Any person who maintains a lawful fence in good repair may recover trespass damages for injury to grass, flowers, gardens, or other crops from the owner of any livestock which break through such fence. No person shall recover damages for trespass unless at the time such grass, garden, flowers, vegetable products or crops were protected by a lawful fence.
- (3) Any person who takes an animal into custody under the provisions of this title shall have a lien upon such animal for damages caused by the trespass of such animal and for reasonable compensation for feed and care while in that person's custody, if damages are recovered. It is unlawful for any person, forcibly or by trickery, fraud, or deceit, or without the knowledge and consent of the person having possession of any livestock taken under this provision, to remove livestock from the possession of such person.

18-3-104 Liability of Person Taking Livestock into Custody.

- (1) Any person who takes any animals into custody shall be required to notify the Animal Control Section immediately, either directly or through the Southern Ute Police Department. A person cannot recover compensation or costs for animals taken into custody until this notice is given.
- (2) It is the duty of any person who takes any livestock into custody under the provisions of this Article to feed and care for such animals in a reasonable and careful manner and keep them in as good condition as when taken into custody, and he shall be liable for any damage caused by his failure to do so. Such person shall be entitled to recover from the owner of the animals a reasonable compensation for feed and care.

18-3-105 Notice/Impoundment.

- (1) Except in cases in which the owner, possessor or keeper of livestock believed to be in violation of §§18-5-116 through 18-5-118 cannot be found after a reasonable search, there shall be no conviction under §§18-5-116 through 18-5-118 unless the owner, possessor or keeper of the livestock involved is given 24 hours' notice of his alleged violation to correct the situation.
- (2) Livestock found to be in violation of §§18-5-115 through 18-5-118 may be impounded at the discretion of an animal control officer, wildlife conservation officer or Tribal police officer without prior notice to the owner if there is evidence that such animals seriously threaten property or the health of other livestock on the reservation and that immediate action is necessary to prevent serious harm. A reasonable fee for the care of such animals may be collected

prior to their release. If for health reasons such livestock must be destroyed, the court may order the destruction of the animals pursuant to a certificate by a veterinarian. The Tribe may auction animals which are unclaimed after due diligence in notifying owners, and may keep the proceeds of the sale or may apply the proceeds to defray the expense of damages caused by the impounded livestock, the cost of keeping the livestock and their sale.

- (3) Stray livestock may be impounded immediately at the discretion of an animal control officer, wildlife conservation officer or tribal police officer.

18-3-106 Impoundment Fee. An impoundment fee and a daily boarding fee shall be charged per animal for all livestock impounded. A transportation fee will be charged to transport livestock to the place of impoundment, and a horse/rider fee shall be charged for each horse/rider needed to round up livestock. In addition, there shall be a charge for other costs incurred while the livestock is impounded.

18-3-107 Branding.

- (1) Any owner, possessor or keeper of livestock must comply with all branding and marking laws and regulations of the state of Colorado.
- (2) A certified copy of any brand or mark that is registered with the state of Colorado pursuant to this section shall be submitted to the Animal Control Section.

18-3-108 Presumption of Ownership. All unbranded or unmarked cattle, sheep or horses on the reservation over 6 months old shall be presumed to be the property of the Southern Ute Indian Tribe. The burden of proving otherwise shall be upon the person claiming possession of such unbranded or unmarked cattle, sheep or horses.

18-3-109 Disposition of Impounded Livestock.

- (1) It is the duty of every animal control officer, wildlife conservation officer and tribal police officer, to file charges against any person violating this Title and to take custody of livestock and place them on feed and water. Such livestock may be placed by an officer in the custody of a responsible person to care for them pending any court action. The livestock may be held in case of conviction of the owner, possessor or keeper for the payment of any reasonable costs of handling, care, and feed and for the payment of all fines and court costs levied against the owner, possessor or keeper. If such costs and fines are not paid within 10 days after the entry of judgment, the court, after reasonable notice to the owner, possessor or keeper, and any known interested persons as determined by the court, may order the livestock sold to pay such costs and fines.

- (2) In cases where the impounded livestock are of inferior quality and appear to be worth less than \$35 per head and the owner, possessor or keeper cannot be found after reasonable search, the Animal Control Section shall post notice of impoundment in 3 public places on the reservation for a period of 10 days. After the 10-day period has expired, unclaimed livestock shall be sold at a private or public sale as stated in the notice. The proceeds of such sale, after the payment of all reasonable costs, shall be turned over to the Comptroller of the Southern Ute Indian Tribe and credited to the budget of the Animal Control Section.

Article 4. MISCELLANEOUS

18-4-101 Unwanted Animals. Any owner, possessor, or keeper who has an animal that is unwanted may contact the Animal Control Section who may dispose of the animal through adoption or euthanization after the person has agreed to pay for any costs incurred and has signed a written release.

18-4-102 Injured Animals.

- (1) Wildlife conservation officers, tribal police officers and animal control officers may at their discretion destroy injured animals that have no identifiable owner, keeper or possessor, if in the officer's opinion the animal is unlikely to recover from its injuries and is suffering needlessly. A reasonable effort shall be made to identify and notify the owner, keeper or possessor of an injured animal before it is destroyed.
- (2) If an injured animal has an identifiable owner, keeper or possessor, reasonable efforts shall be made to notify that person and the injured animal will only be destroyed with the permission of the owner, keeper or possessor. In the event that the owner, keeper or possessor cannot be notified within a reasonable time, the officer may destroy the animal, if in his or her discretion that is the appropriate course of action under the circumstances.
- (3) In the case where an injured animal has an identifiable owner, keeper or possessor, that person shall be liable for all costs incurred by the Animal Control Section in caring for the animal or for destroying and disposing of the animal.

18-4-103 Transportation of Livestock into Reservation. All livestock entering the reservation are to be accompanied by a health certificate issues by an accredited veterinarian.

Article 5. OFFENSES

18-5-101 Branding.

- (1) It shall be unlawful for any owner, possessor or keeper of livestock to knowingly or recklessly refuse or fail to mark or brand them in accordance with this title.
- (2) It shall be unlawful for any person to alter or obliterate a brand or remove a mark, or to misbrand or mismark livestock with the purpose of deceiving another.

18-5-102 Breaking Fences. It is unlawful for any person to willfully break down or cause to be broken down any fence or gate or to leave open any gate in such fence. This section shall not apply to the owner or occupant unless such owner or occupant causes such fence or gate to be broken down or left open with malicious intent.

18-5-103 Cruelty to Pet Animals and Livestock. It will be unlawful for any person knowingly, recklessly or negligently to:

- (1) Torture or seriously overwork a pet animal or livestock; or
- (2) Fail to provide necessary food, and care or shelter for a pet animal or livestock in his custody; or
- (3) Abandon a pet animal or livestock in his custody; or
- (4) Transport or confine a pet animal or livestock in a cruel manner; or
- (5) Kill, injure or administer poison to a pet animal or livestock without legal privilege to do so; or
- (6) Cause one animal to fight with another.

18-5-104 Diseased Pet Animals and Livestock. It shall be unlawful for any person to:

- (1) Knowingly fail to remove sick or infectious livestock from common grazing areas or areas where there is substantial risk of infecting other livestock; or
- (2) Knowingly fail to treat or dispose of a sick pet animal or livestock where there is substantial danger of infecting other animals; or
- (3) Fail to dip, inoculate or otherwise treat pet animals or livestock in a manner consistent with good animal management.

18-5-105 Dog License.

- (1) It shall be unlawful for any owner, possessor or keeper of a dog to fail to get a license for said dog as provided in this title.
- (2) It shall be unlawful for any person to make use of a stolen, counterfeit or forged dog license receipt, license tag, rabies vaccination certificate or similar form.
- (3) It shall be unlawful for any person to use any license or rabies tag for any dog other than the dog for which such license or tag was originally issued.

18-5-106 Pet Animals in Heat. It shall be unlawful for an owner, possessor or keeper of a female pet animal to fail to confine such animal when it is in estrus.

18-5-107 Grazing on Roads and in Municipalities. It is unlawful for the owner, possessor or keeper of livestock knowingly to cause or permit such livestock to graze or run at large in any incorporated or unincorporated municipality, lane, road, or public highway if the same is separated from the land or range of such owner, possessor or keeper by a fence or other barrier sufficient to keep livestock from reaching such municipality, lane, road, or public highway. In case any such livestock so running at large is killed or injured by any vehicle, the owner, driver, or person in charge of such vehicle shall not be liable therefor if the killing or injury is not malicious, willful or wanton. This subsection shall not be applicable to livestock when such livestock are being driven on or through municipalities, lanes, roads, or public highways or when livestock, being ranged on their usual range, have broken through maintained drift fences or cattle guards and are on the premises unknown to the owners of such livestock.

18-5-108 Guard Dogs.

- (1) It shall be unlawful to place or maintain any guard dog in any area for the protection of persons or property unless the guard dog is physically confined to a specific enclosed area.
- (2) The area or premises in which a guard dog is confined must be conspicuously posted with warning signs no more than 75 feet apart bearing letters not less than 2 inches high, with information substantially similar to the following:

WARNING: THESE PREMISES PATROLLED BY GUARD DOGS
TRAINED TO ATTACK. IN CASE OF EMERGENCY CALL (GUARD
DOG OWNER AND PHONE NUMBER).

- (3) The guard dog's owner, possessor or keeper must register his name, address and telephone number with the Animal Control Section and Southern Ute Police Department.

18-5-109 Interference with a Tribal Officer. It shall be unlawful for any person to obstruct or interfere with an animal control officer, the animal control supervisor, a wildlife conservation officer or a tribal police officer in the performance of his or her duties under this title.

18-5-110 Commercial License.

- (1) It shall be unlawful for any person to operate a commercial kennel without first obtaining a license required under this title.
- (2) It shall be unlawful for any person to operate a kennel for any use not authorized by the license granted by the Tribal Council.

18-5-111 Limit on Number of Dogs and Cats. For houses located in a multi-home housing development, it shall be unlawful to keep, maintain, harbor or possess upon the premises of any 1 household more than 1 dog and 1 cat unless the owner, possessor or keeper in charge thereof shall have obtained a commercial license. For houses that are not located in a multi-home housing development, it shall be unlawful to keep, maintain, harbor or possess upon the premises of any 1 household more than 3 dogs and 3 cats unless the owner, possessor or keeper in charge thereof shall have obtained a commercial license. Dogs under 10 weeks of age and cats under 10 weeks of age shall not be included in these limitations.

18-5-112 Livestock Moving on Highways. It shall be unlawful for any person to move livestock on a lane, road or public highway within the reservation without providing flagmen at each end of the flock or herd being moved.

18-5-113 Nuisance Pet Animals. It shall be unlawful to own, possess or keep a pet animal which is a nuisance. For the purposes of this subsection, a nuisance pet animal shall be an animal that:

- (1) Scratches or digs about any flower bed, garden, tilled soil, shrubbery or small plants upon premises other than its owner, possessor or keeper;
- (2) Habitually prowls around, on, or through premises which do not belong to its owner, possessor or keeper;
- (3) Overturns garbage cans or scatters the contents of garbage cans on premises other than its owner, possessor or keeper;
- (4) Chases or kills any domesticated animals or domesticated birds on premises other than its owner, possessor or keeper;
- (5) Habitually chases motor vehicles, bicycles, or other vehicles on premises other than its owner, possessor or keeper;

- (6) Habitually annoys or disturbs any person by unreasonably barking, howling, yelping or meowing.

18-5-114 Provoking Animals to Fight.

- (1) It shall be unlawful for any person to cause, instigate or encourage any animal to fight.
- (2) It shall be unlawful for any person to train, instigate, encourage or keep any animal for the purpose of fighting.
- (3) It shall be unlawful for any person to maintain a place where any animal is permitted for exhibition purposes to fight for wager or sport.

18-5-115 Rabies Vaccination.

- (1) It shall be unlawful for any person who owns, possesses or keeps a vaccinated dog or cat to fail to keep a copy of the certificate of vaccination and to produce such certificate when requested by an officer authorized to enforce this Title.
- (2) It shall be unlawful for any person to own, possess or keep any dog or cat which has not been vaccinated against rabies, as provided in Article 2, or for which a current rabies vaccination certificate cannot be produced.
- (3) It shall be unlawful for any person who owns, possesses or keeps a pet animal to use any vaccination certificate or tag for any pet animal other than the animal for which such certificate or tag was originally issued.
- (4) It shall be unlawful for any person who owns, possesses or keeps a pet animal that has inflicted a bite on any person to refuse to produce such animal on demand as required by §18-2-101(7). Each day of such refusal shall constitute a separate and continuing violation.
- (5) It shall be unlawful for any person to remove or release any animal which has been confined, impounded or is in the custody of the Animal Control Shelter or its agents as authorized under §18-2-101 without the consent of the Animal Control Shelter.

18-5-116 Running at Large (Dogs).

- (1) It shall be unlawful for the owner, possessor or keeper of any dog to permit the dog to run at large. A dog is running at large when it is not under control as defined as follows:
 - (a) It is on a leash not to exceed 10 feet in length and of sufficient strength to restrain the dog;

- (b) The dog is confined in a building, fence, enclosure or motor vehicle in such a way that it cannot escape;
 - (c) It is on property possessed by its owner, possessor or keeper and in the presence of its owner, possessor or keeper;
 - (d) The dog is within sight and hearing distance of its owner, possessor or keeper, and under voice control;
 - (e) It is on property possessed by its owner, possessor or keeper and it is engaged in working livestock.
- (2) A dog is not under control when the dog inflicts damage or injury to the person or property of another by biting, jumping upon, or by any other means, or harasses, chases, or attacks persons, vehicles, cyclists, pedestrians, equestrians, livestock, wildlife or other pet animals. This provision shall not be applicable if the dog is acting in defense of its owner, possessor or keeper, the owner's, possessor's or keeper's family, or the property of the owner, possessor or keeper.

18-5-117 Running at Large (Livestock). It shall be unlawful for any owner, possessor or keeper of any livestock to permit such livestock to run at large. Livestock are running at large when they are off the owner's, possessor's or keeper's property and not restrained by physical means. This title shall not be applicable to stockmen driving flocks or herds through the reservation to transfer them from one pasture to another, or for the purpose of shipping.

18-5-118 Stealing Stud or Bull Services. It shall be unlawful for any person to acquire stud or bull service without the approval of the owner, possessor or keeper of such stud or bull. Persons found in violation of this provision shall, in addition to any other penalties provided by this title, be liable to the owner, possessor or keeper of such stud or bull for the reasonable value of such stud or bull service.

18-5-119 Vicious Dog.

- (1) Any dog that bites, attempts to bite, attacks or attempts to attack a person or other animal shall be presumed to be vicious, except under the following circumstances, if such attack is:
 - (a) Against a person trespassing on the premises of its owner, possessor or keeper;
 - (b) Against any person intervening in a dog fight in which the dog is involved;

- (c) Against any person willfully provoking the dog; or
 - (d) Made with any other legal justification, such as protection of persons.
- (2) No person shall knowingly own, possess or keep a vicious dog. A vicious dog shall be impounded until the owner, possessor or keeper presents evidence satisfactory to the Animal Control Section that suitable provisions have been made to protect the public from the dog. The owner, possessor or keeper shall be liable for all costs of impoundment of vicious dogs.
- (3) The Animal Control Section or Southern Ute Police Department shall be notified immediately when a person is bitten by a dog. Upon notification, the Animal Control Section or Southern Ute Police Department will contact the appropriate public health authorities. The dog shall immediately be impounded for observation, or if the owner, possessor or keeper can show that the dog can be confined on such person's premises, confinement can be on those premises. If it is determined that the dog has rabies, it will be destroyed immediately.
- (4) In the case of a vicious dog running at large, where no other reasonable means can be employed to prevent death, injury, or damage to persons, livestock, wildlife, or property, the dog may be destroyed.

Article 6. PENALTIES

- 18-6-101. Penalties and Fines.** Any person who violates a provision of this Title shall be liable, after a hearing before the Southern Ute Tribal Court, for damages as determined by the Tribal Court and shall be subject to civil penalties including a fine of not more than \$1,000. In addition to the fines and civil penalties provided for by this section, if the Animal Control Section was required to impound an animal, such animal's owner, possessor or keeper shall be liable to the Animal Control Section for all costs of impoundment, daily care, and other costs (i.e., veterinary care, transportation, roundup).
- 18-6-102. Penalty Not Exclusive.** Impoundment, adoption, destruction or other disposition of an animal shall not preclude the imposition of other civil penalties for violation of this Title. Imposition of fines or other civil penalties for violation of any provision of this Title shall not preclude impoundment, adoption, destruction or other disposition.
- 18-6-103. Penalty Assessment.** The Tribal Council may adopt a schedule of fines to be imposed for violations of this Title. At the time that any person is cited for violating any provision of this Title, the officer shall give the alleged offender an opportunity to plead guilty voluntarily and to pay the fine in the form of a penalty assessment, within 10 days to the Southern Ute Tribal Court, Justice Building, P.O. Box 737,

Ignacio, Colorado 81137. If the penalty assessment is not paid, the citation becomes by law a summons and complaint and requires an appearance in the Tribal Court at the place, date and time indicated on the citation form.

**Animal Control
Penalty Assessment and Fine Schedule**

Licensing Fees

Code		Fee Assessment
18-2-102 (4)	License Fee for non-neutered/spayed dog	\$50.00
18-2-102 (6)	Duplicate License Fee	\$20.00

Impoundment Fees and Charges

Code Section		Boarding Fee (per day)	Impoundment Fee (one time)
18-2-106 & 18-2-108	Pets/Other Animals	\$5.00	\$20.00
18-3-106	Livestock	\$10.00	\$100.00
Other charges, if applicable:	Transportation: \$20.00 per visit per animal	Round-up: \$40.00 per day per rider	

Article 5-Offenses

Code	Offense	1 st Penalty Assessment	2 nd Penalty Assessment	3 rd & Subsequent Penalty assessment
18-5-101	Branding	40.00	50.00	65.00
18-5-102	Breaking Fence	40.00	50.00	70.00
18-5-103	Cruelty	100.00	125.00	150.00
18-5-104	Diseased Pet Animals and Livestock	50.00	65.00	80.00
18-5-105	Dog License	30.00	45.00	75.00
18-5-106	Pet in Heat	50.00	65.00	80.00
18-5-107	Grazing on roads and in municipalities	50.00	65.00	80.00
18-5-108	Guard dogs	50.00	65.00	80.00
18-5-109	Interference with a Tribal Officer	50.00	65.00	80.00
18-5-110	Commercial License	50.00	65.00	80.00
18-5-111	Dog/cats limit	30.00	45.00	75.00
18-5-112	Moving livestock on highway	30.00	45.00	75.00
18-5-113	Nuisance Pets	50.00	65.00	80.00
18-5-114 (1)	Cause, instigate, or encourage animal to fight	100.00	150.00	200.00

18-5-114 (2)	Train, instigate, encourage or keep animal for purposes of fighting	200.00	300.00	350.00
18-5-114(3)	Maintain a place where animal is permitted for exhibition purposes to fight	200.00	300.00	350.00
18-5-115	Rabies Vaccination	30.00	45.00	75.00
18-5-116 (1)	Running at Large (Dogs)	30.00	50.00	100.00
18-5-116 (2)	Inflict damage or injury to person or property- Unless in defense of owner or property of owner	75.00	100.00	125.00
18-5-117	Livestock at large	100.00	125.00	150.00
18-5-118	Stud or Bull services stealing	50.00	125.00	150.00
18-5-119 (1)	Vicious-bites, attacks, a person or another animal	100.00	125.00	150.00
18-5-119 (2)	Vicious-possess or keep vicious dog	150.00	200.00	250.00
18-5-119 (3)	Vicious-did not notify SUPD or Animal control of bite or attack	100.00	125.00	150.00
18-5-119 (4)	Vicious-dog at large may be destroyed	100.00	125.00	150.00

TITLE 18
ANIMAL CONTROL CODE
History and Amendments¹

The Southern Ute Indian Tribe Animal Control Code adopted by Tribal Resolution No. 93-170 on October 13, 1993.

The Penalty Assessment and Fine Schedule for the Animal Control Code adopted by Tribal Resolution No. 2007-283 on November 27, 2007.

Resolution No. 2021-151 repealed and replaced prior versions of Title 18 with a reformatted Animal Control Code for online publication approved by the Bureau of Indian Affairs on November 1, 2022.

Resolution No. 2023-079 authorized on-line publication of the 2021-151 Animal Control Code and provided an effective date of May 25, 2023.

¹ This page does not constitute an official part of any code. Information contained on this page is solely for informational and historical purposes and is from sources deemed reliable.