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ARTICLE 3
ANIMALS
(Revised March 9, 2011)

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7-300 Definitions. For the use in this Article, the following terms are defined as:

1. "Abandon" means any person in possession of an animal who knowingly refuses to provide care for the animal as defined by this Article, including failing to reclaim an animal from Animal Control Services.
2. "Animal" means any living reptile, amphibian, bird, or non-human mammal, both domestic and wild.
3. "Animal Control" or "Animal Services Officer" means any person designated by the Winnebago Tribe of Nebraska, Village of Winnebago, State of Nebraska, a municipal government or a humane society as a law enforcement officer who is qualified and authorized to perform such duties under the Winnebago Tribal Code, Village Ordinances, and/or applicable State statutes.
4. "At heel" means under the voice of control and within fifteen feet of the owner or person in custody of the animal.
5. "At large" means any animal found off the premises of its owner and not confined within a house, building, or other secured enclosure, kennel, veterinary hospital, or not restrained by the owner or

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- responsible person by leash or lead, or "at heel" beside a person and obedient to that person's command.
6. "Breeder" means a person who breeds animals for sale, trade, or batter and holds a permit to do so from the Winnebago Tribe of Nebraska pursuant to Section 7-303 of this Article. Breeder shall also mean any person who maintains an unaltered (unsterilized) dog or cat and breeds such animals for any consideration of profit, fee, or compensation.
 7. "Cat" means both female and male, which are members of the feline or cat family (*Felis Catus*), whether neutered or not.
 8. "Dangerous Animal" means any animal, which according to the records of the appropriate authority, has (a) inflicted injury on a human, domestic animal, or livestock without provocation on public or private property; or (b) killed a domestic animal without provocation while off the owner's property; or (c) been previously found to be Potentially Dangerous, the owner having received notice of such, and the animal subsequently aggressively bites, attacks, or endangers the safety of humans, domestic animals, or livestock.
 9. "Dart" means the process whereby a drug of a sedative nature is delivered to and injected into an animal by means of projectile shot from a rifle or gun, for the purpose of subduing or rendering an animal unconscious for capture.
 10. "Dog" means both female and male, which are members of the canine or dog family, whether neutered or not.
 11. "Enclosure" means a fence or structure forming or causing an enclosure suitable to adequately confine any animal. Any animal deemed vicious, dangerous, or potentially dangerous must meet enclosure requirements as outlined in Section 7-324.
 12. "Exotic Animal" means an animal that is not indigenous to the United States, excluding captive bred species of common cage birds, or any other animal, fish, or reptile that is commonly sold or traded as a companion animal or household pet.
 13. "Feral" means any animal that was once domesticated but has returned to a wild state. An animal need not be dangerous or vicious to be considered "feral."
 14. "Health Department" and "Health Officer" means the Winnebago Tribal Health Department or a designee employee of the same department.
 15. "Injury" means any physical injury that results in need for professional medical treatment.
 16. "Kennel," "Cattery," or "Pet Shop" means any premises wherein any person that engages in the business of boarding, breeding, buying, letting for hire, raising, training for a fee, or selling dogs, cats, birds, rodents, reptiles, fowl, fish, or other small animals for profit, whether operated separately or in conjunction with another business enterprise.
 17. "Livestock" means any animal ordinarily used for agricultural purposes including but not limited to horses, ponies, mules, burros, jacks and jennies, cows, bulls, calves, heifers, sheep, goats, swine, hogs or pigs but excepting pot-bellied pigs kept as household pets in a sanitary manner and otherwise in accordance with the provisions of this Article.
 18. "Muzzle" means when required by this Article, a device covering the upper and lower jaws of an animal and made of appropriate material with sufficient strength to restrain the animal from biting. No such muzzle employed shall be made from material or maintained on the animal in any manner so as to cut or injure the animal.
 19. "Nuisance Animal" means any animal, which as a result of its actions, causes a human being any loss of rights or privilege.
 20. "Owner" means any person or persons, firm, association or corporation or parent of a child that owns, keeps, shelters, possesses or harbors one or more animals. An animal shall be considered harbored if it is fed or sheltered for three consecutive days or more.
 21. "Potentially Dangerous Animal" means any animal which, when unprovoked:
 - a. Bites a human, domestic animal, or livestock either on public or private property; or
 - b. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any animal that has a documented

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- history to attack unprovoked, cause injury, or has otherwise threatened the safety of humans or domestic animals.
22. "Severe Injury" means any physical injury that results in disfiguring lacerations requiring or that will require multiple sutures or cosmetic surgery, or one or more fractured bones, or that creates a potential threat to the life or health of the victim.
23. "Stray" means any animal which does not have affixed to it a collar with an identification tag with owner's name, address, and phone number and a current Winnebago Tribe of Nebraska license tag, and/or identifying, traceable tattoo or microchip.
24. "Tether" means a rope, chain or cable of appropriate strength that is firmly anchored to the bed of an open bed pickup truck or similar vehicle in at least two places. A tether is used to restrain the animal and is fastened to the animal by means of a harness and is to be the appropriate length as to afford the animal freedom to move about the vehicle, but to restrict the animal to a set radius to prevent it from reaching either the side or the rear of the vehicle so that the animal cannot be thrown, fall from, or jump from the vehicle.
25. "Tribe" means the Winnebago Tribe of Nebraska.
26. "Vaccination" means an injection of any vaccine for rabies approved by the state veterinarian, and administered by a licensed veterinarian or agent of the Tribal Health Department, or a public clinic, which may be established for this purpose.
27. "Vicious Animal" means:
- a. Any animal which, without provocation, approaches in a manner of attack, bites or otherwise inflicts severe injury on a human being, domestic animal, or livestock on public or private property;
 - b. Any animal with known propensity, tendency or disposition to attack without provocation human beings, domestic animals or livestock;
 - c. Any animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for animal fighting;
 - d. Any animal which has been previously found to be dangerous, the owner having received notice of such, and the animal again aggressively bites, attacks, or endangers the safety of humans, domestic animals or livestock;
 - e. Notwithstanding the above definition, no animal shall be declared vicious, dangerous, or potentially dangerous if the person attacked or bitten by said animal was teasing, tormenting, abusing, or assaulting the animal or was committing or attempting to commit a crime; or if the animal was protecting its young; and
 - f. Any dog that has been deemed to be a "vicious animal" solely because of its breed or other inherent characteristic as identified by this Code.
28. "Wild Animal" means any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs, (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excludes hybrids with ocelots or margays), livestock, and captive bred species of common cage birds. Any domestic animal that has become feral shall also be considered a "wild animal." [TCR 90-73, 08-56, 11-70]

7-301 Offices designated.

- I. The Office of Environmental Health of the Winnebago Tribe of Nebraska Health Department is designated as the official agent for the Winnebago Tribe for the purpose of issuing animal licenses, issuing permits, and collecting fees therefore pursuant to the provisions of this Article. The Environmental Health Office shall work in coordination with the Animal Control Department in issuing licenses and maintaining animal control records.
2. The Chief Administrative Officer of the Winnebago Tribe of Nebraska shall have the authority to enter into agreements with third parties for collection of license fees, for capture, transport,

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impoundment and disposition of animals found within the Winnebago Reservation and for other purposes relating to enforcement of this Article. [TCR 90-73, 08-56]

7-302 Licensing of dogs and cats. It shall be unlawful for the person to own, keep, or harbor a dog or cat within the boundaries of the Winnebago Reservation, including the Village limits of Winnebago, without having first registered the animal with the Tribal Environmental Health Office and paid the annual license fee as stated in the fee schedule established by the Environmental Health Office for all dogs and cats six (6) months of age or older:

1. Within thirty (30) days after every dog, cat or other domesticated animal reaches six months of age, or is under six months and is no longer with its dam, every owner of such dog, cat or other domesticated animal shall procure a Tribal animal license each year from the Environmental Health Office of the Winnebago Tribe.
2. To secure a license, an owner must complete a registration form, provide proof of current legal rabies vaccination, and pay a registration fee as established by the Environmental Health Office each year.
3. Upon registration, the Environmental Health Office shall furnish the owner of the dog or cat with a tag of distinctive design with the serial number of the dog or cat. The Environmental Health Office shall keep this serial number on file.
4. All licenses shall expire one year from the date of issuance.
5. Animal licenses are non-transferable.
6. Upon the death of the dog or cat, the owner shall advise the Environmental Health Office which shall void the registration of the animal.
7. Proof of registration must be provided by the animal owner upon demand by an Animal Control Officer or other law enforcement officer.
8. Registration fees collected by the Environmental Health Office shall be used to help defray the costs of the administering the program, including purchase of vaccines, tags and other supplies. [TCR 90-73, 08-56]

7-303 Breeder permit. A breeder's or kennel permit may be issued to those applicants that satisfy the following criteria:

1. The person intends to keep the animals for purposes of breeding and selling the animals as household pets or operates a business providing temporary boarding to other person's household pets.
2. The person maintains and provides for each animal in its possession the standards of housing, care and feeding as set forth in Sections 7-315 and 7-339.
3. In the case of a breeder permit, the person shall also demonstrate, either through education or experience, knowledge in animal breeding or employs and continuously employs such a person as part of a business. (TCR 11-70)

7-304 Rabies certification of vaccination required. All dogs, cats, and other domesticated animals susceptible to rabies within the boundaries of the Reservation and Village shall be vaccinated against rabies by an accredited veterinarian, Animal Control or Environmental Health Officer. Proof of current rabies vaccination in the form of a tag shall be provided by the owner upon registration of the animal. [TCR 90-73, 08-56]

7-305 Fee waiver. All owners of seeing eye dogs, hearing ear dogs or assistance dogs or other such dogs being used to aid sensory impaired persons or other persons who, upon medical advice, require the use of a service dog, shall not be required to pay an annual license fee, but shall be required to obtain a registration license tag. [TCR 08-56]

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7-306 Display of tag.

- I. The tag described in Section 7-304 must be attached by the owner to a substantial collar during the term of the license or be displayed by the owner upon demand by an Animal Control Officer or other Law Enforcement Officer.
2. Dogs in fenced exercise yards, on pickets, in buildings, automobiles or under effective control for exercise, work or training will not be required to wear tags or collars, or leashes, if the stated conditions of training, work or exercise are incompatible with the wearing of such articles. [TCR 90-73, 08-56, 11-70]

7-307 Transfer or change of ownership. When the permanent ownership of a dog, cat or other domesticated animal is transferred, the new owner shall, within thirty days of the date of change of ownership, make application for a new license as provided in Section 7-302, regardless of whether or not the dog, cat or other domesticated animal was previously licensed under the provisions of Section 7-302, and shall pay the full annual license fee. [TCR 90-73, 08-56]

7-308 Duplicate tag. Upon the filing of an affidavit that the license has been lost or destroyed, the owner may obtain another tag upon payment of a replacement fee as set by the Environmental Health Department. The officer shall enter the new number assigned in the license record. [TCR 90-73, 08-56]

7-309 Removal of license tags. It is unlawful for any person who is not the owner or the agent of such owner or an officer of the Winnebago Tribe of Nebraska or its agent, acting in an official capacity to remove a license tag from a dog or cat prior to the expiration of the license. [TCR 90-73, 08-56]

7-310 At large prohibited. The owner of an animal shall at all times restrain such animal to prevent it from running at large within the boundaries of the Village of Winnebago. An owner of an at-large animal shall be subject to penalty as set forth under this Article. [TCR 90-73, 08-56]

7-311 Spay and Neuter.

- I. All dogs and cats shall be spayed or neutered, as the sex may be, by their owner within thirty (30) days of the owner coming into possession of the dog or cat. Should an owner fail to comply with this Section, Tribal or Village authorities are authorized to seize the dog or cat and have a licensed veterinarian spay or neuter the animal at the owner's expense.
2. If in the opinion of a licensed veterinarian the spaying or neutering procedure is either unnecessary or dangerous to the animal due to age or other condition, no compliance with this Section is required.
3. The requirements of this Section shall apply only after the dog or cat has reached six months of age.
4. This Section shall not apply to livestock or animals owned by a person holding a breeder's permit pursuant to this Article. [TCR 11-70]

7-312 Impoundment and ticketing.

- I. An animal found at large within the Village boundaries shall be seized and impounded and, at the discretion of the Law Enforcement Officers, Tribal Conservation Officer, or Animal Control Officer, a citation and/or complaint to appear before the Winnebago Tribal Court to answer charges made thereunder may be served upon the owner.
2. The Animal Control Services Officers or assistants shall take into custody any animal that is not in compliance with Sections 7-302, 7-304, or 7-310. Law Enforcement Officers, Tribal Conservation Officers, or Animal Control Officers shall impound such animal.

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3. Unrestrained dogs and nuisance animals may be taken by the Law Enforcement Officers, Tribal Conservation Officers, or Animal Control Officers and impounded in an animal shelter and/or be confined in a humane manner. In the case of animals causing a noise problem and after owner of such animal(s) has been duly notified twice that the problem needs correcting, and such correction has not been put in place, nuisance animal(s) can then be impounded and a notice left at the owner's residence so as to provide the owner with instructions for reclaiming the animal(s).
4. Impounded animals shall be kept for a period of not fewer than five working days, including one Saturday, thereafter kept at the discretion of Animal Control Services.
5. If, by license tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or certified mail, but within two days that, upon payment of impoundment fees, plus cost of food and care, the animal will be returned.
6. Any animal not reclaimed by its owner within three business days shall become the property of the Animal Control Services Program and shall be placed for adoption in a suitable home or humanely euthanized by sodium pentobarbital. The owner is responsible for payment of any fees and/or fines accrued by the animal as outlined in this Article.
7. Upon an owner's conviction of a fourth violation of Section 7-310 involving an unsterilized animal(s), that animal may be sterilized at the owner's expense by a licensed veterinarian of the Animal Control Service, Law Enforcement Officer, Tribal Conservation Officer or Winnebago Tribal Health Department or its designee employee of the same department's choosing.
8. The shelter supervisor shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded at the shelter.
9. The owner of an impounded animal who refuses to reclaim his/her animal(s) may be proceeded against for abandonment under the provisions of Section 7-314(5). [TCR 90-73, 08-56, 11-70]

7-313 Disposition of animals.

1. After the expiration of the applicable impoundment period or quarantine, except as otherwise provided in this Article, an unredeemed animal, whether licensed or unlicensed, may, at the discretion of the Animal Control Officer, be disposed of in a humane manner.
2. During the applicable impoundment period or quarantine, if the animal appears to be suffering from rabies or infected with disease, or is mortally injured, an unredeemed animal, whether licensed or unlicensed, may, at the discretion of the Animal Control Officer, be disposed of in a humane manner.
3. If the animal is injured or destroyed because it is vicious, the Animal Control Officer or the Conservation Officer shall dispose of the animal. If other persons destroy an injured or vicious animal, the Animal Control Officer or Conservation Officer shall be contacted who shall dispose of the animal.
4. If the animal is found dead, the Animal Control Officer or Conservation Officer shall dispose of the animal.
5. In the event that the animal has bitten a person, the Health Officer must be consulted before the animal is disposed of.
6. Disposition of injured or diseased animals shall be at the discretion of Animal Control.
7. No civil liability shall arise where a suffering animal is humanely destroyed. [TCR 90-73, 08-56]

7-314 General prohibitions and duties.

- I. No person shall aid or cause any animal whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such person's property or that of another, by opening any gate, door or window, by making an opening in any fence, enclosure or structure, by unleashing such animal, or by any other means whatsoever.

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2. It shall be prohibited for any person to permit or allow an animal owned by that person or under that person's custody or control to defecate upon public property, park property, public right-of-way, or the property of another, unless such person shall immediately thereafter clean up, remove and dispose of the feces so deposited.
3. It shall be the duty of every person owning or having the custody and control of an animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside or is not at heel. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another.
4. It shall be prohibited for any person in any manner to interfere with any employee or designated representative of the Winnebago Tribe so as to hinder, delay or prevent his/her executing his/her duties pursuant to this Section.
5. No person shall abandon any animal within the Village limits of Winnebago or so that the animal may find its way into the Village limits of Winnebago except the person may deliver the animal to another person who will accept ownership and custody, or the person may deliver the animal to an animal shelter. [TCR 08-56]

7-315 Animal care; animal cruelty.

1. All animals, must be provided with appropriate shelter and a safe, non-injurious environment, per Federal Animal Welfare Act Guidelines. Shelters and enclosures, whether temporary or permanent, must be constructed so that they are the appropriate size, strength, and material that allows the animal to stand, stretch, turn around, and lie down freely. The shelters, enclosures, and fenced areas for animals must be kept free of hazards such as trash, sharp edges, protruding nails, broken or splintered wood, metal or glass shards, machinery, loose wires, or any other material that may cause injury.
2. No person shall give away any live animal, fish, reptile, or bird as a prize for or as inducement to enter any contest, game, or other competition or to induce a sale, or as an inducement to enter into any business agreement whereby the offer was for the purpose of attracting trade.
3. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible, and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to Animal Control Services.
4. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rodent poison mixed only with vegetable substances.
5. No person shall fail to provide his animals with sufficient, good, wholesome and nutritious food, potable water in sufficient quantities, proper air, shelter which provides protection from the weather which includes four sides with opening, roof and floor; veterinary care when needed to prevent suffering, and humane care and treatment.
6. No animal may be kept on flooring of wire grid.
7. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals and/or humans.
8. No owner, keeper, or harbinger of an animal shall abandon such animal.
9. No person shall transport or carry any animal by motorized means unless the animal is safely enclosed within the vehicle or trailer, or enclosed in a portable kennel, crate, or dog box designed for this purpose, which is then fastened by a secure and appropriate means to the bed or the chassis of the vehicle. Dogs may be transported in open beds of pickup trucks provided they are

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secured in the vehicle by means of a humane cross tether and/or harness as set forth in Section 7-300(23). In all cases where animals are transported by motorized vehicles, it must be in a safe and humane manner that will prevent the animal from falling from, being thrown from, or jumping from the motorized vehicle or trailer being pulled by such.

10. No person shall confine any animal in a parked vehicle if the outside air temperature is higher than 80 degrees Fahrenheit, unless the vehicle is running and the air conditioner is working properly. Animal Services Officers or other Law Enforcement Officers shall not be liable for any damage resulting to the vehicle when such confined animals must be removed for their safety and wellbeing.
11. In addition to the above provisions, animal cruelty shall be prohibited and punishable as set forth in Title III, Section 3-754 of the Winnebago Tribal Code. [TCR 08-56]

7-316 Release or adoption of animals. Animals not claimed by the owner within a prescribed period of time become the property of Animal Services and may be placed by Animal Services with a responsible potential owner who will provide a suitable home for the animal(s) in compliance with this Article. If such person chooses not to keep the animal(s), the animal(s) must be returned to Animal Services. Once an animal has become the property of Animal Services, ownership of such animal may never be transferred to persons representing medical laboratories, or any other entity for experimental process. Animal Services does not guarantee the health or temperament of any animal adopted from the shelter. [TCR 08-56]

7-317 Release of unsterilized animals. It shall hereafter be unlawful for any pound, shelter, or humane organization to release any unsterilized animal to a new owner unless a contract to spay or neuter such animal has been signed by the person acquiring the animal. A licensed, accredited veterinarian shall perform the sterilization by the date stipulated. However, upon medical advice of a licensed, accredited veterinarian, the owner may request and receive an extension of time up to thirty (30) days. A copy of the signed contract shall be kept on file at the office of Animal Services. The signed contract shall be binding, and failure to comply is unlawful. In such case, the animal described therein shall be returned to the releasing agency upon demand. Ownership of said animal reverts to the releasing agency, and no claim may be made to recover expenses incurred for maintenance of the animal, including the initial procurement cost. [TCR 08-56]

7-318 Number of animals.

1. It shall be unlawful for any person to own, keep, or harbor more than five (5) dogs and/or cats over the age of 16 weeks, or more than 10 common cage birds over the age of 12 weeks within the limits of the Village of Winnebago.
2. It shall be unlawful for any person to own, keep, or harbor more than eight (8) dogs and/or cats over the age of 16 weeks, or more than 10 common cage birds over the age of 12 weeks within the boundaries of the Winnebago Reservation.
3. This provision shall not apply to proprietors of animal hospitals and veterinarians when such animals are kept upon premises used by such business. This provision shall not apply to owners of dogs, cats, or common cage birds who are breeders of such or kennel operators, who hold a permit issued pursuant to Section 7-303.
4. Keeping on the premises more than five (5) and eight (8) dogs and/or cats over the age of 16 weeks or more than 10 common cage birds over the age of 12 weeks without permit shall be prima facie evidence of violation of this Section.
5. Any person found to be in violation of this Section of this Article shall, at the discretion of Animal Services, law enforcement officers, and Tribal conservation officers have a period of not less than ten (10) days or more than ninety (90) days to reduce the number of such animals through legal channels.

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6. Any dog or cat under the age of 16 weeks, or common cage birds under the age of twelve (12) weeks shall not count toward the five (5) and eight (8) animal limit of this Section.
7. Any number of dogs and/or cats, the behavior of which collectively causes a nuisance as set forth in Section 7-327, shall be collectively considered "nuisance animals." [TCR 08-56, 11-70]

7-319 Non-indigenous birds. All non-indigenous birds must be banded according to federal regulations. [TCR 08-56]

7-320 Impoundment fees. There shall be a minimum charge of forty dollars (\$40.00) for each animal taken and impounded on the first occasion an animal is impounded; there shall also be a fee of three dollars (\$3.00) per day for impoundment for up to five days if not suspected rabid, or four dollars (\$4.00) per day up to fifteen days if suspected rabid. The fees shall be paid to the Winnebago Tribe of Nebraska, or other designated entity which provides the services herein pursuant to Section 7-301(2). Civil penalties and court costs are addressed in Section 7-345 and are not "impoundment fees" within the meaning of this subsection. [TCR 90-73, 08-56, 11-70]

7-321 Redemption.

- I. Any animal held or impounded at the animal control facility may be redeemed to the owner thereof upon:
 - a. Proof of ownership;
 - b. Payment of the board and keep fee, impoundment fee, and any other related costs incurred by the Winnebago Tribe or other designated entity;
 - c. Presentation of the Tribal license which shall not be issued until proof of a current rabies vaccination is presented; and
 - d. Showing proof in the form of a certificate issued and signed by a licensed veterinarian or the health officer that such animal has been properly vaccinated for rabies, if required by law, or by posting a twenty dollar (\$20.00) vaccination bond which shall be refunded if a rabies vaccination is obtained.
2. Application for vaccination bond redemption and for refund of the bond must be made within five business days of the posting of the bond. Failure of the owner to redeem such bond shall be prima facie proof that vaccination has not been obtained as required by this Article.
3. For the purposes of this Section, the Law Enforcement Officer, Conservation officer, or Animal Control Officer may give written notice to the owner personally, by posting a written notice at the owner's residence, or by mail. [TCR 90-73, 08-56]

7-322 Injured animals at large.

1. In the event that an injured animal, licensed pursuant to this Article, is found at large, the Law Enforcement Officer, Conservation Officer or Animal Control Officer may cause the animal to be darted, if necessary, and may take the animal into custody.
2. In the event the injured animal is unlicensed, or in the event that the Law Enforcement Officer, the Conservation Officer, or the Animal Control Officer is unable to determine the ownership of the animal, or is unable to contact the owner, or should the owner refuse to either take custody of such injured animal or cause it to be transported to a veterinarian, the Law Enforcement Officer, Conservation Officer or the Animal Control Officer shall transport such animal to the nearest available veterinarian for treatment.
3. If an injured animal at large cannot be darted and it displays vicious tendencies which would make its capture by any other means unduly hazardous, the Law Enforcement Officer, Conservation Officer or the Animal Control Officer may cause the immediate destruction of such animal.

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4. In the event that an animal, if found at large, is so seriously injured as to make its recovery unlikely, the Law Enforcement Officer, Conservation Officer, or the Animal Control Officer may, in his/her discretion, immediately destroy such animal in a humane manner in the interest of humane treatment.
5. In the event that the Law Enforcement Officer, Conservation Officer, or Animal Control Officer transports an injured animal to the nearest veterinarian pursuant to the foregoing, he/she shall thereupon offer to give custody of said animal to the veterinarian for treatment at the veterinarian's cost. In the event that the veterinarian refuses to take custody of such animal, or advises that it would be humane to destroy it, the Animal Control Officer shall be directed to destroy said animal as expeditiously as possible in the interest of humane treatment.
6. After an animal has been humanely destroyed under this Section, the animal shall be subject to autopsy by local or state health officials to determine the cause of said animal's injuries or **viciousness**.
7. Upon taking an injured animal into custody or destroying an animal pursuant to this Section, the Law Enforcement Officer, Conservation Officer or Animal Control Officer shall notify in writing the animal's owner of its location and condition. Upon being so notified, the owner of such animal shall either immediately take custody of such animal or cause the animal to be transported to a veterinarian. [TCR 08-56]

7-323 Confinement of animals. From and after the passage of this Article, any person owning animals, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such animal on owner's property within an adequate fence or enclosure, or within a house, garage or other building. Animals shall not be tied or chained to doghouse or other stationary objects for any period of time exceeding twelve hours. [TCR 08-56]

7-324 Dog pens. Outdoor dog pens shall be located fifty (50) feet from any dwelling, other than the person's owning or controlling the dog. There shall be at least one hundred fifty (150) square feet in such pen for each dog, over six (6) months of age, kept therein. [TCR 08-56]

7-325 Conditions of pens and premises.

1. It shall be unlawful for any person keeping or harboring animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of said premises. It shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing diligently and systematically to remove all animal waste from the premises. It shall be unlawful to allow animals on premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.
2. Birdcages must be kept free from drafts and sudden chills. Cages must be cleaned daily to avoid airborne diseases to persons and other birds. Birds must have a constant supply of potable water and wholesome food appropriate to the particular species. No person may have an outside aviary unless he/she is a licensed rehabilitator. Outside aviaries must follow state and federal guidelines and have the approval of Animal Services. [TCR 08-56]

7-326 Animal bites.

1. Any animal which has bitten a person is a rabies suspect, and the owner or custodian shall immediately release such animal for quarantine confinement in a veterinary hospital approved by the Tribe or at Animal Services for a period of ten (10) days. Such quarantine may also be carried out within an enclosure approved by Animal Services.

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2. When any animal has bitten, scratched, or otherwise attacked a person, the person or anyone having knowledge of such incident shall immediately notify Animal Services.
3. The animal may be quarantined for a period of at least (10) days at the expense of the owner, or ownership may be relinquished, and the animal euthanized, and its head taken to the State/Tribal Health Department for a pathological examination.
4. The quarantine may be on the premises of the owner at the discretion of and under supervision of Animal Services if an appropriate/suitable place is available. Unclaimed stray animals may be humanely euthanized within twenty-four (24) hours or one (1) working day and the head removed and taken to the State/Tribal Health Department for pathological examination. [TCR 08-56]

7-327 Nuisance animals. Owners of nuisance animals shall be subject to fine as set forth under this Article. Nuisance animals are any animals which infringe upon the rights of another animal or a person, or:

1. Molest passersby or passing vehicles;
2. Trespass on school grounds;
3. Are repeatedly at large;
4. Damage private or public property;
5. Bark, whine, or howl in an excessive, continuous, or untimely fashion;
6. Cause fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where animal is kept or harbored; or
7. Interfere with refuse collection or other service personnel.

For purposes of this Section, each day that a violation occurs shall be considered a separate violation, and if a separate citation is issued for each violation, each such separate violation may be penalized separately. [TCR 08-56]

7-328 Dangerous animals. It shall hereafter be unlawful for any person, to keep within the corporate limits of the Village and Reservation boundaries of Winnebago, Nebraska, any dangerous animal, unless such animal shall be secured and maintained as set forth in Section 7-332. [TCR 08-56, 11-70]

7-329 Determination of vicious animal, dangerous animal, potentially dangerous animal; notice to owner.

1. The Office of Animal Services shall be responsible for determining whether an animal is vicious, dangerous, or potentially dangerous. The Animal Services department shall consider the overall behavior of the animal in making this determination, including whether the animal has engaged in one or more attacks that caused severe injury or property damage.
2. When, in the judgment of Animal Services, any animal is determined to be a Vicious Animal, Dangerous Animal or Potentially Dangerous Animal, Animal Services shall give notice of said determination to the owner who shall forthwith comply with the provision of this Section concerning such determination. After notice to the owner or if after documented diligent effort, no owner can be located, to protect the public from imminent danger to persons or property, at the discretion of Animal Services, such animal may be humanely destroyed without regard to any time limitation otherwise established herein.
3. No animal shall be declared Vicious, Dangerous, or Potentially Dangerous if a domestic animal which was bitten or attacked was teasing, tormenting, abusing or assaulting the animal. No animal shall be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault or if the animal was protecting its young. [TCR 08-56]

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7-330 Vicious dogs.

1. Vicious dogs, as defined in this Section, are hereby banned from the boundaries of the Winnebago Reservation and may not be owned or kept within the Winnebago Reservation boundaries.
2. Dog breeds identified in this Section are hereby deemed to be vicious and may not be owned or kept within the Winnebago Reservation. Breed specific dogs are defined as any of the following:
 - a. American Pit Bull Terrier.
 - b. Staffordshire Bull Terrier.
 - c. American Staffordshire Terrier.
 - d. Rottweiler.
 - e. Doberman.
 - f. Wolf dog/hybrid.
 - g. Any dog whose sire or dam is a dog of a breed, which is defined in this Section.
 - h. Any dog whose owner registers, defines, admits, or otherwise identifies said dog as being of a breed identified in this Section.
 - i. Any dog conforming, or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, or Staffordshire Bull Terrier as defined by the United Kennel Club or American Kennel Club.
 - j. Any dog which is of the breed commonly referred to as "pit bull" and commonly recognizable and identifiable as such. [TCR 08-56]

7-331 Appeal procedure. Although an appeal of a vicious animal determination will not stay such determination, said owner of a vicious animal may appeal determination by filing a Notice of Appeal with the Winnebago Tribal Court within five (5) days thereof. No animal found to be vicious pursuant to this Article shall be destroyed or otherwise disposed of until the appeal period has expired and/or final disposition of any appeal filed pursuant to this Section. The animal shall however be impounded during the appeal period and while any appeal is pending with non-refundable costs of impoundment to be paid by the owner. [TCR 08-56]

7-332 Requirements for dangerous animals; penalties.

1. The following conditions are required for all owners of dangerous animals:
 - a. Confinement. Dangerous animals must be confined in an adequate enclosure. An enclosure in which a dangerous dog or animal is kept must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the ground beneath the gate shall be secured by embedded posts and the sides must be embedded into the ground no less than two (2) feet, unless such pen has a concrete bottom in which case the sides need only be embedded two (2) inches deep into the concrete. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. Any stationary enclosure or pen shall be at least two (2) square feet per pound/per animal so confined. This structure must be species-appropriate.
 - b. At large, leash and muzzle. The owner of a dangerous animal shall not permit the animal to go unconfined unless the animal is securely muzzled and restrained by a chain or leash, while under the physical restraint of a person capable of restraining said animal, or kept in an adequate enclosure as outlined in Section 7-323. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
 - c. film. The owner of a dangerous animal shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a dangerous animal on the

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premises, A similar sign is required to be posted on each side of the pen, enclosure or kennel of the animal. The sign must be capable of being read from the public highway or thoroughfare and the sign shall include a non-verbal symbol warning of the presence of a dangerous dog.

2. Penalties. Violations of Sections 7-332(a), (b), or (c) shall result in a penalty of not more than five hundred dollars (\$500.00). [TCR 08-56, 11-70]

7-333 Animal fighting or attack training; penalty.

- I. No person, shall possess, harbor, or maintain care or custody of any dog, or other animal for the purpose of animal fighting, nor shall any person train, torment, badger, bait or use any animal for the purpose of causing or encouraging the animal to attack human beings, domestic animals, or livestock. This does not include accredited animal training programs for police use.
2. For purposes of this Section, each day that a violation occurs, shall be considered a separate offense, and if a separate citation is issued for each offense, each such separate offense may be punished separately. A criminal charge does not discharge liability in a civil suit for the same offense.
3. Penalty. Violations of Section 7-333(a) shall result in a penalty of not more than one thousand dollars (\$1000.00). [TCR 08-56, 11-70]

7-334 Keeping of innately wild animals. As used in this Section, the term innately wild animals shall include lions, tigers, cougars, panthers, bears, wolves, wolf-hybrid, cat-hybrid and other non-domestic animals of an untamable disposition; notwithstanding that their natural wildness may be intermittently dormant, as said wildness is likely to be awakened at any time, suddenly and unexpectedly. The failure to specifically list any animal in this subsection will not preclude such animal from being deemed an innately wild animal of untamable disposition. The possession, maintenance, or keeping of innately wild animals within the Village and Reservation boundaries of Winnebago, Nebraska is hereby prohibited. This Section shall not apply to any zoo, circus, or sanctuary complying with applicable laws and regulations and keeping said innately wild animals for the education of the public. [TCR 08-56]

7-335 Wildlife protection. It is unlawful for any person to hunt, chase, shoot, wound, kill, net, trap, snare or in any other manner whatsoever catch any wildlife within the Reservation boundaries of Winnebago except as may be allowed pursuant to the rules, regulations and licensing requirements of the Winnebago Tribal Wildlife and Parks Commission. However, should it be determined by a Conservation Officer or Animal Services that a wild or domestic animal is causing a nuisance or creating verifiable property damage, humane live traps may be used to capture and translocate, or impound such animal. [TCR 08-56]

7-336 Keeping of exotic animals. The keeping of exotic animals, as defined in Section 7-300(12), shall be prohibited. [TCR 08-56]

7-337 Keeping of livestock. It shall be unlawful for any person to keep, maintain, or permit to run at large any livestock within the corporate limits of the Village of Winnebago. [TCR 08-56]

7-338 Keeping of animals for which no licensed, approved rabies vaccine is available. The keeping of animals for which no licensed, approved rabies vaccine is available shall be prohibited. [TCR 08-56]

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7-339 Kennel standards.

- i. All kennels, as defined herein, shall in addition to the other requirements of this Article, comply with minimum standards of this Section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. A kennel is defined as an establishment wherein any person engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling dogs or other animals.

STANDARDS:

- a. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
 - b. Building temperature shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained.
 - c. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
 - d. Cages are to be of material and construction that permits cleaning and sanitizing.
 - e. Cage floors are to be of concrete, and unless radiantly heated, shall have a resting board or some type of bedding.
 - f. Runs shall provide an adequate exercise area and protection from the weather. Runs shall **have an impervious surface.**
 - g. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
 - h. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
 - i. All animals shall have potable water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.
2. The Office of Environmental Health is authorized to establish procedures and applications for the issuance of permits for the operation of kennels. [TCR 08-56]

7-340 Harboring of strays.

1. Any person who harbors any animal found astray within the Reservation shall, within twenty-four hours, notify the Animal Services department.
2. Harboring or feeding an animal for twenty-four hours or more shall constitute ownership by the person feeding the animal. [TCR 08-56]

7-341 Trapping animals.

- I. No person may set traps in the Village proper for purposes of apprehending wild or domesticated animals. This Section does not prohibit: trapping mice, rats, other household vermin, moles or other underground pests so long as the traps used may be triggered only by subsurface action, or setting of traps in the line of duty by a Conservation Officer or an Animal Control Officer or with written permission from and under supervision of a Conservation Officer or an Animal Control Officer or licensed pest control operator. [TCR 08-56]

7-342 Rabies reports; examination; quarantine.

- l. Report by owner. It shall be the duty of the agent or owner of any dog, cat or other domesticated animal suspected of being infected with rabies or other diseases communicable to human beings,

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- or any animal that has attacked, bitten or caused any skin abrasion upon any person, to report the same at once to the Animal Services or Health Department.
2. Report by physician. It shall be the duty of any physician to immediately transmit to the Animal Services or Health Department any information that may come to him/her in his/her professional capacity with reference to any patient of his/hers having been attacked, bitten or having any skin abrasion caused by any dog, cat or other domesticated animal.
 3. Report by others. It shall be the duty of any person so attacked or bitten or who has any skin abrasion caused by being attacked or bitten by any dog, cat or other domesticated animal to immediately report the same to the Animal Services or Health Department.
 4. Examination. In the event of any of the foregoing contingencies, the Law Enforcement Officers, the Health Officer, the Animal Control Officer or Conservation Officer shall cause the dog, cat or other domesticated animal so suspected of being infected with diseases communicable to human beings, or who has attacked, bitten or caused any skin abrasion upon any person, to be immediately examined.
 5. Quarantine conditions. The Law Enforcement Officers, the Health Officer, the Conservation Officer or the Animal Control Officer shall thereupon make such examinations as in his/her judgment are necessary to determine whether or not such dog or cat or other domesticated animal is suffering from rabies or other communicable diseases transmissible to human beings, and shall place such dog, cat or other domesticated animal in quarantine and keep it under observation for such period as in his/her opinion may be necessary, but at least for a period often (10) days.
 6. Quarantine place. Such dog or cat or other animal may be placed in quarantine at the owner's home providing the Law Enforcement Officer, the Health Officer, the Conservation Officer or the Animal Control Officer is satisfied that such animal can be kept, tied and isolated from all other animals and cannot come into contact with any person or persons. It is unlawful to permit such quarantined animal to be untied or to come into contact with persons or other animals. If, in the opinion of the Law Enforcement Officer, the Health Officer, the Conservation Officer or the Animal Control Officer, this is not possible, the dog, cat or other domesticated animal may be quarantined at the animal control facility at the expense of the owner.
 7. Report of condition. It shall be the duty of the owner or agent, after a dog, cat or other domesticated animal is placed under quarantine, to report at once to the officer who has placed the animal under quarantine any noticeable change in the physical condition of such animal, and to notify him/her at once in the event that such animal should die.
 8. Death of animal during quarantine. In the event of the death of an animal suspected by the officers of being rabid or suffering from disease, the owner, or his agent, of said animal shall leave the carcass, and shall turn over said animal to local and state health officials for the purpose of making such post mortem examinations or other examinations, including autopsy and disposal thereof which, in his/her opinion, are necessary to determine whether or not such animal has died of rabies or other diseases communicable to humans.
 9. Payment of quarantine and examination costs.
 - a. The owner of any animal quarantined may redeem such animal after any quarantine period upon the payment of all costs of confinement, including cost of food and the care of such animal. If the animal is a stray or the owner is unknown, the agency ordering the quarantine will be billed for all costs relative to the animal.
 - b. When an animal dies during quarantine, the owner, if known, shall be billed for all costs of confinement to date of death, and for all examinations, including post mortem or laboratory tests for rabies.
 - c. If the owner of an animal or any other person or organization specifically requests a post mortem or laboratory examination of an animal for rabies, then the person making such a request shall pay all costs incurred.

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10. Periodic examination of animal. It shall be the duty of the Health Officer to make, in addition to the initial examination, at least one subsequent examination at the end of the ten (10)-day period, and such other examination as he/she may deem necessary. [TCR 08-56]

7-343 Civil liability of owner for damages caused by the owner's dog, cat or other domesticated animal. Every person owning or harboring a dog, cat or other domesticated animal shall be liable for all damages done by the dog, cat or other domesticated animal. [TCR 90-73, 08-56]

7-344 Sovereign immunity of the Tribe. There is no waiver of sovereign immunity of the Winnebago Tribe of Nebraska in the implementation of this law. [TCR 90-73, 08-56]

7-345 Penalties. For use in this Article, the penalties for violation are as follows:

1. Unless otherwise provided, the civil penalty for any person to do any act forbidden or to fail to perform any act required by any provision or section of this Animal Control Article is twenty-five dollars (\$25.00) for the first violation, fifty dollars (\$50.00) for the second violation and seventy-five dollars (\$75.00) for any subsequent violations.
2. All civil penalties are to include court costs and, except for Sections 7-332 and 7-333, court appearances are waivable.
3. Court proceedings to enforce civil penalties herein are to be initiated by the issuance of a citation by a Law Enforcement Officer or Tribal Conservation Officer or by the filing of a civil complaint by the Tribal Prosecutor.
4. Penalties collected for violations of this Article, less court costs, shall be disbursed to the Office of Environmental Health for the purpose of defraying the costs of licensing, education, and other expenses related to Animal Control.
5. Failure to appear as directed by a citation or civil complaint or failure to otherwise fully satisfy the penalty assessed thereby shall be punishable pursuant to the Winnebago Criminal Code § 3-639.
6. Cost incurred by Tribal or Village authorities for the spaying or neutering of a dog or cat pursuant to Section 7-311(1) shall be assessed and payable as a penalty under this Section. [TCR 90-73, 08-56, 11-70]