

1999 AMENDED

TITLE 13  
ANIMAL CONTROL

CHAPTER 1  
GENERAL PROVISIONS

**Section 13-1-1. Purpose.** The purpose of this Ordinance is to provide provisions for animal control, on the Reservation to ensure the safety of tribal members and other individuals living on the Reservation and to ensure that animals are properly cared for.

**Section 13-1-2. Definitions.** For the purposes of this Title, the following definitions shall apply:

**ANIMAL POUND** - Building and facilities therein which is approved by the Tribe for the impoundment of animals.

**AT LARGE** - An animal shall be deemed to be running at large when off or away from the owner's premises and not under control of the owner, possessor, keeper, agent, servant, or a member of his immediate family.

**LEASH** - A cord, thong, or chain by which an animal is controlled by the person accompanying it.

**OWNER** - Any person harboring or keeping an animal and the occupant of any premises on which an animal remains or to which it customarily returns to daily for a period of ten (10) days.

**ANIMAL CONTROL OFFICER** - A person or agency designated by the Executive Committee to be responsible for the enforcement of this Title and who shall work with other law enforcement officials in the enforcement of this Ordinance.

**LICENSED DOG** - A dog having a collar and tag issuance by the Flandreau Santee Sioux Tribe.

NON-LICENSED DOG - A dog having no collar or tag indicating issuance by the Flandreau Santee Sioux Tribe.

**Section 13-1-3. Licensing requirements.** It shall be unlawful for any person or persons within the Reservation to keep, possess, or have in his custody or under his control, any dog or animals of the dog kind, without first having obtained a license to do so from the Clerk of Courts, as hereinafter provided and without having paid the license fee therefor. Violation of this section shall result in a fine to be set by the court.

**Section 13-1-4. License application.** Any person or persons desiring to keep, possess or have in his custody or control within the Reservation, any dog, shall on or before the 1st day of January of each year make an application to the Clerk of Courts for a license to keep such dog. Such application shall be in writing stating the name, sex, color and other distinguishing characteristics of the dog, and the name of the owner thereof, and that said dog has no vicious propensities far as known to the applicant. The application shall be made on a form provided by the Clerk of Courts and shall be filed with the court.

**Section 13-1-5. Fee/tag.** An applicant for a license shall at the time of making such application, pay to the Clerk of Courts as a license fee the sum of three dollar (\$3.00) for each dog. A certificate by a registered veterinarian showing that such dog has been inoculated or has a continuing immunity against rabies within six (6) months of such application shall accompany the application. It shall be the duty of the Clerk of Courts at the time of the issuance of the license herein provided for, to furnish and deliver to said applicant, a metallic fiber or plastic tag for each dog for which such license is issued, upon which tag shall be stamped or engraved the registered number of the dog and the year when registered. It shall then be the duty of the owner of the dog to place a collar around the neck of such dog so owned and kept by him, on which collar shall be securely fastened a tag so furnished by the Clerk of Courts. In case of the loss of any tag so issued, the Clerk is authorized to issue a duplicate thereof.

**CHAPTER 2**  
**GENERAL PROHIBITIONS**

**Section 13-2-1. Running at Large Prohibited.** No owner of any dog shall permit such dog to run at large within the Flandreau Santee Sioux Reservation at any time.

Any dog found at large shall be impounded by the Animal Control Officer or Law Enforcement, and the owner shall be subject to a fine as set by the court.

**Section 13-2-2. Vicious Dogs.** A dog may be declared vicious by the Animal Control Officer, Law Enforcement, or by the Court, upon proof that it has demonstrated a vicious propensity. Vicious propensity is so defined as any dog which, in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a person or other animal whether on public or private property, provided that the dog has not been provoked to do so by teasing, tormenting, abusing or assaulting the animal. No dog may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal.

**Section 13-2-3. Vicious Dog.** If a dog is declared to be vicious as provided for above, the Tribe shall notify the owner or keeper of such declaration in writing that such animal is vicious which notice shall be served either in person or by mailing such notice by certified mail.

The owner or keeper of an animal that has been declared vicious then must comply with the following:

- b. If the animal is kept indoors, the animal shall be under the control of a person over 18 years of age.
- c. If the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than six (6) feet and under the control of a person over 18 years of age.
- d. If the animal is outdoors and unattended, the animal must be locked in an escape-proof kennel approved by the Animal Control Officer. Minimum Standards shall include the following:
  - a. Fencing materials shall not have openings

- with a diameter of more than two (2) inches, and in the case of a wooden fence the gaps shall not be more than two (2) inches.
- b. Any gates within such pen or structure shall be lockable and of such design to prevent the entry of children or the escape of the animal.
  - c. The required pen or structure shall have a top and bottom with both secured to the sides.
  - d. The pen or structure shall protect the animal from the elements.
  - e. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects within reach of the animal.
  - f. A sign denoting a vicious animal shall be displayed on the kennel or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept.
- e. The vicious animal may be impounded by the Animal Control Officer at the owner's or keeper's expense until such time as all provisions outlined above are complied with.
  - f. If the conditions outlined above are not complied with, the animal shall be euthanized in a humane manner by the owner or keeper and proof of euthanasia filed with the Tribal Office.
  - g. Any vicious animal found off the premises of its owner or keeper, other than as provided for in this Ordinance, may be seized by Animal Control Officer, or Law Enforcement Officer, impounded. If the animal cannot be captured, it may be destroyed.

**Section 13-2-4. Certain Breeds Specifically prohibited.**  
The following dogs are hereby declared vicious and shall not be allowed, owned or kept within the exterior boundaries of the Flandreau Santee Sioux Reservation:

- a. Pitbull Terriers and any mixture of pedigree which includes Pitbull Terriers.
- b. Rottweiler
- c. Any dog with Wolf breeding.

- d. All animals of any mixture of pedigree of the above-named breeds.

Any person found to be in violation of this section of the Ordinance shall be subject to a fine to be set by the court. Any vicious dog shall be confiscated and impounded by the Animal Control Officer and shall not be returned to the Flandreau Santee Sioux Reservation.

**Section 13-2-5. Disturbance of peace.** The owner of any dog shall not allow the dog to disturb the peace and quiet of the Flandreau Santee Sioux Tribal Reservation by continuous barking or by making other loud or unusual noises, or by becoming a public nuisance by destroying or defacing property or causing injury to person or persons, or domestic animals. Violation of this section shall result in a fine to be set by the court.

**Section 13-2-6. Cruelty of animals.** No person shall willfully or negligently mistreat, abuse, or neglect in a cruel or inhumane manner any animal. Violation of this section shall be a Class I misdemeanor.

**Section 13-2-7. Humane care of animals.** An owner shall provide their animal with sufficient food and water, proper shelter, humane care and treatment and veterinary care when needed to prevent suffering. No person shall mistreat any animal nor shall any animal be abandoned. An owner may take an animal they no longer desire to care for, to the animal control shelter.

**Section 13-2-8. Unlawful to poison.** It shall be unlawful for any person to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any animal, with the intent to injure or destroy such animal, or to willfully or maliciously place any poison or poisoned food where the same is accessible to any animal. Violation of this section shall be a Class I misdemeanor.

**Section 13-2-9. Immunization required.** Every dog, cat, or other warm blooded animal held as a domestic pet on the Flandreau Santee Sioux Reservation, three (3) months of age or older, is hereby required to be immunized against rabies by a licensed veterinarian or other qualified person. Immunization against rabies shall be given by such intervals to guarantee immunity, and the minimum time period between vaccinations shall be determined by the available vaccine

and based upon the recommendations and approval of a veterinarian. Any owner acquiring a dog, cat, or other warm blooded animal by purchase, gift, birth, or otherwise shall have such animal immunized against rabies immediately after acquisition or when the animal reaches the age of three (3) months. Violation of this section shall result in a fine to be set by the court.

**Section 13-2-10. Immunization tag.** All veterinarians or other qualified persons designated to immunize animals against rabies shall provide the owner at the time of immunization with a metallic tag bearing the date of the immunization. All animals shall wear the above tag on a collar, harness, or chain when off the premises of the owner.

**Section 13-2-11. Keeping rabid animals.** No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to have been infected with rabies. Violation of this section shall result in a fine to be set by the court.

**Section 13-2-12. Report of suspected cases - generally.** Any person who shall suspect that any animal on the reservation is infected with rabies shall report said animal to the Animal Control Officer or law enforcement, describing the animal and giving the name and address of the owner if known.

**Section 13-2-13. Destruction of rabid animals.** Any animal reasonably believed to have rabies, and if, under the circumstances, it is not reasonable to impound or to attempt to seize that animal for the purpose of further observation, may be destroyed by Law Enforcement or the Animal Control Officer. Any expense incident to the impoundment, destruction, or diagnosis of rabid animals shall be paid by the owner thereof. Neither the Tribe nor any person authorized by this section shall be liable for the destruction of any animal when done under circumstances as set forth in this section.

**Section 13-2-14. Nuisance.** Any animal may be declared a nuisance by the court when there have been repeated violations of the ordinance by the animal or the owner. Any animal declared a nuisance shall be impounded and removed from the reservation.

**Section 13-2-15. Injured or ill animals.** Whenever an animal control officer encounters a stray animal suffering pain, the animal control officer shall take the animal to a veterinarian where the cost of any care or treatment shall be borne by the owner. If ownership of the animal cannot be determined, the animal control officer shall impound the dog for five (5) days unless it appears that a longer impoundment will lead to identification of the owner, and if the owner cannot be located, the animal may be disposed of by humane means without notice.

### CHAPTER 3 IMPOUNDMENT

**Section 13-3-1. Impounded animals.** Law Enforcement and the Animal Control Office shall be authorized to impound any animal if a violation of this ordinance has occurred and impounding is necessary to ensure the ordinance is enforced. Any impounded animal shall not be released by the animal shelter to any person until such animal so impounded shall be immunized if owner can present a certificate of current immunization having been previously performed.

**Section 13-3-2. Impoundment for observation.** When any person owning or harboring a dog, cat, or other animal has been notified that said animal has bitten or attacked any person, the owner must immediately place the animal under the care and observation of the Animal Control Officer or a licensed veterinarian, there to be held for a period of not less than (10) days. If there is no indication of rabies, the animal may be reclaimed by the owner upon payment of all costs. Any animal impounded or placed for observation showing active signs of rabies, suspected of having rabies, or know to have been exposed to rabies, shall be destroyed pursuant to Section 13-2-11.

**Section 13-3-3. Redemption of impounded animals/Impound Cost.** Before any person may redeem any animal impounded under the provision of this Ordinance, he shall pay to the person or proper authority an impoundment fee set by the impoundment facility. The person redeeming such impounded animal under the provision of this Ordinance shall receive a dated receipt signed by the representative of the animal

shelter. The receipt for payment of impoundment and boarding costs must be presented to the person, association, or corporation housing the impounded animal before such animal may be redeemed. The owner of the impounded dog which has not been vaccinated or licensed under this Chapter, upon satisfactory proof of ownership, may redeem his dog by payment of the fees determined above. If such owner fails to procure a certificate of vaccination and license within forty-eight (48) hours, said deposit shall be forfeited and turned over to the Clerk of Courts to be placed in the General Fund and the dog may be impounded again. Upon presentation within forty-eight (48) hours of a license issued under this Chapter, the deposit shall be refunded.

Section 13-3-4. Impound Redemption by person other than owner. If the owner of any animal impounded under the provisions of this Ordinance shall fail to redeem such animal within three (3) days after such impoundment, any other person may, upon complying with the provisions of this Ordinance, redeem such animal from the pound and be the lawful owner thereof.

Section 13-3-5. Disposition of Impounded unredeemed animals. All animals impounded under the provisions of this Ordinance and remaining unredeemed after three (3) days of impoundment, unless impounded for a longer specified time, may be disposed of by the Humane Society by any humane means.

Section 13-3-6. Stray animals. The animal control officer or Law Enforcement shall impound any stray animals.

#### CHAPTER 4 ENFORCEMENT

Section 13-4-1. Enforcement of Ordinance. It shall be the duty of the Animal Control Officer and/or Law Enforcement Officer to carry out and enforce all the provisions of this Chapter. Complaints of violations of this ordinance shall be made to the Animal Control Officer or Law Enforcement.

Section 13-4-2. Authority. The Animal Control Officer or



any Law Enforcement Officer is hereby authorized and empowered to impound any animal in accordance with Chapter 3 of this Ordinance.

**Section 13-4-3. Interference with Performance of duties.** No person shall hinder, delay, or obstruct the Animal Control Officer, his assistant, or any Law Enforcement Officer when engaged in capturing, securing, or impounding any animal or animals. Violation of this section is a Class I misdemeanor.

**Section 13-4-4. Citation system.** Except as otherwise provided, upon a violation of this code, the Animal Control Officer or Law Enforcement shall issue a citation stating the section violated, amount of the fine and date to appear in court. If the owner does not contest the matter, he/she can pay the fine to the Clerk of Courts by the date given by the Animal Control Officer or Law Enforcement. If the owner does contest the matter, a court date shall be scheduled.

**Section 13-4-5. Penalties.** Violation of this Ordinance may result in the impoundment of the animal if such is required by this Ordinance. Criminal charges can be filed against the owner when applicable, and a fine may be imposed as set by the court.

**Section 13-4-6. Repeal of all ordinances in conflict.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 13-4-7. Notice to Owner.** The owner of any animal impounded under the provision of this Ordinance, if his identity and location can be obtained by reasonable means, shall be notified within twenty-four (24) hours that his animal has been impounded.

This amended Title 13 was enacted by the Flandreau Santee Sioux Tribe Executive Committee on May 24, 1999 by Resolution 99-56, dated May 24, 1999

# Flandreau Santee Sioux Tribe

Box 283 Flandreau, SD 57028

Phone 997  
Fax 997



## RESOLUTION # 99-56

WHEREAS, the Flandreau Santee Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act with a Constitution and By-Laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24th, 1936, and amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 23, 1990, and further amended May 12, 1997, and

WHEREAS, Article III, Section 1 of said revised Constitution and By-Laws provides that the governing body of the Tribe shall be the Executive Committee, and

WHEREAS, pursuant to Article VIII, Section 1 (f) of said Constitution the Executive Committee has the power to promulgate ordinances governing and regulating animal control on the Reservation, and to ensure enforcement of such ordinances by law enforcement and the humane society, and

WHEREAS, the Executive Committee enacted Title 13 of the Flandreau Santee Sioux Tribe Law and Order Code, Animal Control Ordinance, on October 10, 1995, and

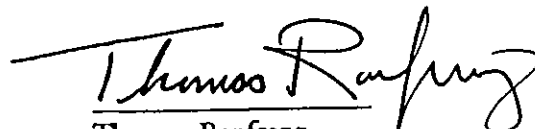
WHEREAS, the Executive Committee has determined that Title 13 needs to be amended to add additional procedures, and

NOW THEREFORE BE IT RESOLVED, that the Executive Committee hereby enacts the attached 1999 Amended Title 13, Animal Control Ordinance of the Flandreau Santee Sioux Tribe Law and Order Code, effective the date this Resolution is passed.

### CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 24 day of May, 1999, by the Executive Committee at which a quorum was present of 5 for, 0 against, and 1 not voting. *absent*

  
Leah Fyten  
Tribal Secretary

  
Thomas Ranfranz  
Tribal President

# *Flandreau Santee Sioux Tribe*

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## **RESOLUTION NO. 19-20**

- WHEREAS,** the Flandreau Santee Sioux Tribe is a recognized Indian tribe organized pursuant to a Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 17, 1997; and
- WHEREAS,** Article III of the Tribe's Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee; and
- WHEREAS,** Article VIII Section 1(f) of said Constitution provides that the Executive Committee may promulgate and enforce ordinances governing and regulating the conduct of all persons on the reservation; and
- WHEREAS,** Article VIII Section 1(g) of said Constitution provides that the Executive Committee may adopt resolutions consistent with this Constitution and By-Laws, regulating the procedure of the Executive Committee itself and of other tribal agencies, tribal officials or tribal organizations of the Flandreau Santee Sioux Tribe; and
- WHEREAS,** the Flandreau Santee Sioux Tribe's laws are codified within the Law and Order Code of the Flandreau Santee Sioux Tribe; also referred to as FSST T.L.O.C. under section 1-1-2, FSST T.L.O.C.
- WHEREAS,** the FSST T.L.O.C. includes an ordinance related to Animal Control under Title 13. Its purpose is to provide for animal control on the Reservation to ensure the safety of Tribal members and other individuals living on the Reservation and to ensure that animals are properly cared for; and
- WHEREAS,** Section 13-2-1, FSST T.L.O.C., prohibits owners from allowing dogs to run at large within the Flandreau Santee Sioux Reservation at any time. The section permits the Animal Control Officer or Law Enforcement to impound the dog and issue the a fine as set by the court; and
- WHEREAS,** tribal Law Enforcement receives calls for service within the Flandreau Santee Sioux Reservation for other types of animals running at large; and

**WHEREAS,** the Executive Committee finds that extending the Animal Control Officer and Law Enforcement's authority to impound animals and issue citations for any kind of animal at large furthers the purpose of the Animal Control ordinance.

**NOW THEREFORE BE IT RESOLVED** that the Executive Committee approves of amending the Flandreau Santee Sioux Tribe Tribal Law and Order Code by adopting the following provisions:

Removing-

Section 13-2-1. Running at Large Prohibited. No owner of any dog shall permit such dog to run at large within the Flandreau Santee Sioux Reservation at any time.

Any dog found at large shall be impounded by the Animal Control Officer or Law Enforcement, and the owner shall be subject to a fine as set by the court.

Adding-

Section 13-2-1. Running at Large Prohibited. No owner of any animal shall permit it to run at large within the Flandreau Santee Sioux Reservation at any time.

Any animal found at large may be impounded by the Animal Control Officer or Law Enforcement, and the owner may be subject to a fine as set by the court.

**NOW THEREFORE BE IT FURTHER RESOLVED** that all versions of the Flandreau Santee Sioux Tribe Tribal Law and Order Code be updated to reflect these amendments.


[Certification follows on next page.]

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**CERTIFICATION**

The foregoing Resolution was duly enacted and adopted on this 7<sup>th</sup> day of February, 2019, by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 6 In Favor, 0 Opposed, 0 Abstaining, and 1 Not Voting, as follows:

|   |            |    |         |             |
|---|------------|----|---------|-------------|
| Vice President, Andrew Weston:                    | <u>YES</u> | NO | ABSTAIN | NOT PRESENT |
| Secretary, Donalda Montoya:                       | <u>YES</u> | NO | ABSTAIN | NOT PRESENT |
| Trustee I, Kristi Bietz:                          | <u>YES</u> | NO | ABSTAIN | NOT PRESENT |
| Trustee II, David Kills-A-Hundred:                | <u>YES</u> | NO | ABSTAIN | NOT PRESENT |
| Trustee III, Kenneth Weston:                      | <u>YES</u> | NO | ABSTAIN | NOT PRESENT |
| Trustee IV, John Jason Armstrong:                 | <u>YES</u> | NO | ABSTAIN | NOT PRESENT |
| President, Anthony Reider ( <i>If Required</i> ): | YES        | NO | ABSTAIN | NOT PRESENT |

  
\_\_\_\_\_  
Donalda Montoya, Tribal Secretary

  
\_\_\_\_\_  
Anthony Reider, Tribal President

# Flandreau Santee Sioux Tribe

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## RESOLUTION NO. 19-70

- WHEREAS,** the Flandreau Santee Sioux Tribe is a recognized Indian tribe organized pursuant to a Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 17, 1997; and
- WHEREAS,** Article III of the Tribe's Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee; and
- WHEREAS,** Article VIII Section 1(f) of said Constitution provides that the Executive Committee may promulgate and enforce ordinances governing and regulating the conduct of all persons on the reservation; and
- WHEREAS,** Article VIII Section 1(g) of said Constitution provides that the Executive Committee may adopt resolutions consistent with this Constitution and By-Laws, regulating the procedure of the Executive Committee itself and of other tribal agencies, tribal officials or tribal organizations of the Flandreau Santee Sioux Tribe; and
- WHEREAS,** Title 13 of the Flandreau Santee Sioux Tribe Tribal Law and Order Code sets forth provisions regulating Animal Control. Section 13-1-3, FSST TLOC, specifically requires all persons within the Reservation to obtain a license to keep, possess, or have in one's custody a dog; and
- WHEREAS,** At this time, many individuals on the Reservation keep, possess, and have in their custody one or more dogs. No dogs, however, are currently registered with the Tribe in accordance with the section above; and
- WHEREAS,** The Animal Control Officer coordinates with other agencies to offer rabies clinics to owners of dogs on the Reservation. No dog owner should avoid vaccinating their dogs in an effort to avoid the inconvenience and cost of a tribal registration; and
- WHEREAS,** The Tribe finds that there are benefits to the health and safety of people, dogs, and other animals when all dogs are registered.

**NOW THEREFORE BE IT RESOLVED** that the Animal Control Officer is authorized to waive any fee associated with the licensing of dogs on the Reservation; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Animal Control Officer is authorized to provide a lifetime license for each dog rather than an annual license.


**NOW THEREFORE BE IT FINALLY RESOLVED** that any person who is cited under section 13-1-3, FSST TLOC, shall continue to be subject to a fine in an amount set by the tribal court.

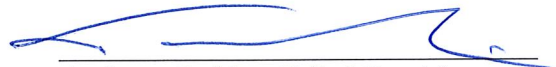
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**CERTIFICATION**

The foregoing Resolution was duly enacted and adopted on this 14<sup>th</sup> day of August, 2019, by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 4 In Favor, 0 Opposed, 0 Abstaining, and 3 Not Voting, as follows:

|   |     |    |         |             |
|---|-----|----|---------|-------------|
| Vice President, Andrew Weston:                    | YES | NO | ABSTAIN | NOT PRESENT |
| Secretary, Donalda Montoya:                       | YES | NO | ABSTAIN | NOT PRESENT |
| Trustee I, Kristi Bietz:                          | YES | NO | ABSTAIN | NOT PRESENT |
| Trustee II, David Kills-A-Hundred:                | YES | NO | ABSTAIN | NOT PRESENT |
| Trustee III, Kenneth Weston:                      | YES | NO | ABSTAIN | NOT PRESENT |
| Trustee IV, John Jason Armstrong:                 | YES | NO | ABSTAIN | NOT PRESENT |
| President, Anthony Reider ( <i>If Required</i> ): | YES | NO | ABSTAIN | NOT PRESENT |

  
Donalda Montoya, Tribal Secretary

  
Anthony Reider, Tribal President