



SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Rancheria, (Verona) Tract, California
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RESOLUTION 2011-51

SUBJECT: APPROVAL OF ADOPTION OF EL DORADO COUNTY ANIMAL ORDINANCE TITLE 6, CHAPTER 6.04.

WHEREAS, the Shingle Springs Band of Miwok Indians (the “Tribe”) is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, pursuant to Article IV of the Tribe’s Articles of Association the Tribal Council shall manage, lease or otherwise operate all Tribal property, including control of the use of and development on assigned Tribal lands; and

WHEREAS, Tribal members, residents and visitors to the Rancheria have and likely will continue to bring animals onto the Rancheria; and

WHEREAS, it is necessary to the preservation of the peace and the protection of the Tribe’s people, property, governmental institutions, Rancheria territory, and business enterprises that the Tribe take legislative action to regulate and control animals on Rancheria property in the most timely and efficient manner; and

WHEREAS, the Tribal Council has reviewed the attached Title 6 Animals, Chapter 6.04 General Provisions of the El Dorado County Animal Control Ordinance and desires to adopt such ordinance as an ordinance of the Tribe as an effective means of controlling and regulating animals on the Rancheria; and

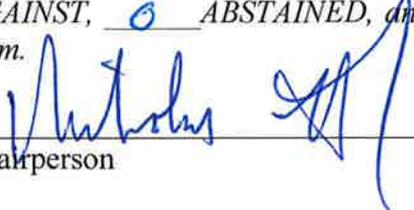
WHEREAS, the adoption of this Animal Control Ordinance will in no way waive the Tribe’s sovereign immunity.

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby enacts and adopts the attached “El Dorado County Animal Ordinance” as an ordinance of the Tribe, and authorizes the Chairman or his designee to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 21st day of July, 2011 at which time a quorum of 6 was present, this resolution was duly adopted by a vote of 6 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.



Chairperson

7-21-11

Date

ATTEST:


Secretary

7-21-11

Date

Title 6 - ANIMALS

Chapter 6.04 GENERAL PROVISIONS

6.04.010 Title.

This title shall be known and may be referred to as the county animal control ordinance. (Ord. 3446 §2(part), 1984)

6.04.015 Purpose.

The purpose is to regulate the control and humane treatment of animals within the boundaries of El Dorado County for the protection of the safety and welfare of the public. (Ord. 3692 §1, 1987)

6.04.020 Definitions.

The words and terms used in this title shall have the meaning indicated as follows unless the context clearly indicates otherwise:

1. "Animal" includes any domesticated animal or captive wild animal.
2. "Animal abuse" shall be understood to mean any violation of section 597(f) of the Penal Code of the state of California.
3. "Animal control center" means a public facility operated by the enforcement agency for the impoundment and care of animals.
4. "Animal control" means that section of the county government which is specifically charged with the regulation of, and the enforcement of laws dealing with animals.
5. "Animal control officer" means the director of animal control or any person acting in accordance with the instructions of the director of animal control or any agent or agency authorized to act by the board of supervisors in the enforcement of the animal and rabies control programs.
6. "At large" means an animal which is roaming free.
7. "Cat" includes all domesticated felines.
8. "Cattery" shall be understood to mean any place operated by any person where five (5) or more live domestic cats are kept, maintained, or harbored.
9. "City" means the incorporated city of South Lake Tahoe and the city of Placerville and any city incorporated hereafter.
10. "Collar" means a band, chain or other suitable device worn around the neck of a dog to which a license tag may be affixed.
11. "Commercial animal establishment" shall be understood to mean a commercial kennel, pet shop, pet grooming parlor, public aquarium, equine rental facility, cattery or protection dog facility.

12. "Commercial cattery" shall be understood to mean any place where five or more live domestic cats of at least four months of age are kept or maintained for sale, barter or hire.
13. "Commercial kennel" shall be understood to mean any place where five or more domestic dogs of at least four months of age are kept or maintained for sale, barter or hire.
14. "County" means the county of El Dorado.
15. "County resident" means a person who is physically present in the county of El Dorado and expresses the intent to reside therein.
16. "Director of animal control" means the person employed by the county of El Dorado as the director of the animal control department for the county of El Dorado.
17. "Domestic animals" shall be understood to mean dogs (*canis familiaris*), cats (*felis catus*), except as limited by the California State Fish and Game Code section 2118, as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, rabbits, domestic avian and fowl commonly kept as domestic animals.
18. "Dog" includes any domestic and/or domesticated member of the canine family.
19. "Equine rental facility" shall be understood to mean any place operated by any person where any live horses are kept or used for hire at an hourly, daily or weekly rate.
20. "Exhibit" shall be understood to mean any place where any live animal, animals or avian are kept or maintained for public show or display.
21. "Health department" means the health department of the county.
22. "Health officer" means the health officer of the county or other person duly authorized by the health officer to act on his/her behalf.
23. "Hearing officer" shall be understood to mean the person selected by the county director of health services or the board of supervisors to conduct "vicious animal" hearing.
24. "Impoundment" means the receipt or taking up and confining of any animal by the director of animal control, or his appointee, in a manner consistent with recognized standards of humane treatment.
25. "Incident" shall be understood to mean each and every occasion that an owner allows a domestic animal to be in violation of this title.
26. "Kennel" means any enclosure, premises, building, structure, lot or area in or on which five (5) or more dogs of at least four (4) months of age are kept, harbored or maintained.
27. "Large animal" means any domestic bovine animal, horse, mule, burro, sheep, goat or swine.
28. "Livestock" includes all domesticated bovine, equine, caprine, bovine, avian and rodent species.
29. "Noncommercial cattery" shall be understood to mean any place where five (5) or more live domestic cats of at least four (4) months of age are kept or maintained solely for the use or hobby of the householder or owners.
30. "Noncommercial kennel" shall be understood to mean any place where five (5) or more live domestic dogs of at least four (4) months of age are kept or maintained solely for the use or hobby of the householder, or owner.

31. "Nuisance" shall be understood to mean anything which is injurious to health, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
32. "Owner" means a person who possesses, has title to or an interest in, harbors, or has control, custody or possession of an animal, and the verb of "to own" includes all these shades of meaning.
33. "Person" includes any person, firm, association, organization, partnership, business trust, corporation or company.
34. "Pet grooming parlor" shall be understood to mean any place where domestic animals are trimmed, bathed or groomed other than by the owner on a regular basis for compensation.
35. "Pet shop" shall be understood to mean any place operated by any person on a commercial basis where live animals or avian are kept for sale, barter or exhibit with the exception of large animals.
36. "Protection dog facility" means any business where the primary activity consists of the training of dogs to act as protection, attack or guard dogs.
37. "Public aquarium" means any place where live fish or other aquatic animals are kept or maintained for public exhibit, sale or trade.
38. "Quarantine" shall be understood to be a method of confining an animal, the specific form of which is determined by the animal control officer at his discretion.
39. "Small animal" means a domestic animal or domesticated wild animal which is not a "large animal" as defined in this section.
40. "Vaccination" means the inoculation of an animal with a vaccine approved by and in the manner prescribed by the state department of public health.
41. "Veterinarian" means a person licensed by the state of California to practice veterinary medicine.
42. "Vicious animal" means any animal which has attacked, bitten, scratched or harassed people or other animals and has in a formal hearing been determined, due to its aggressive nature, to be a threat to the health and safety of the public.
43. "Working animals" mean animals under the control of humans used in the movement of livestock, poultry or in the taking of wild animals or fowls during season established by the U.S. Government, the state or in field trials, exhibitions or competitions.
 - a. Working animals shall also refer to any animal used by law enforcement agencies of the county, state and federal governments while in the performance of their official duties, to include police dogs. (Ord. 3764 §1, 1987; Ord. 3692 §2, 1987; Ord. 3446 §2(part), 1984).