

Ordinance No. 61 – Resolution H-047-2016 adopts the Hopi Small Animal Control Ordinance.
RESCINDS H-027-1973.

HOPI TRIBAL COUNCIL
RESOLUTION
H-047-2016

WHEREAS, pursuant to the Constitution and By-Laws of the Hopi Tribe, ARTICLE VI - POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a) "To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe,..." and (g) "To make ordinances to protect the peace and welfare of the Tribe,..."; and

WHEREAS, the need for a Small Animal Control Ordinance on the Hopi Reservation has been recognized for more than forty (40) years, as evidenced by Resolution H-27-73; and

WHEREAS, the revised 2011 Hopi Pötskwaniat sets forth the need for an Animal Control Ordinance/Program in four (4) areas: Area of Governance, Enforcement, Health and Range; and

WHEREAS, given the local presence of potentially fatal, zoonotic diseases such as Rocky Mountain spotted fever, plague, and rabies, the adoption of the Small Animal Control Ordinance will serve as an essential public health tool to aid in the prevention of such diseases; and

WHEREAS, Indian Health Service, Office of Environmental Health and Engineering, has reported an increasing number of animal bites involving dogs, including increased attacks involving packs of dogs, thus justifying the need to control the small animal population on the Hopi Reservation to prevent injury and possible death associated with these occurrences; and

WHEREAS, the proposed Hopi Small Animal Control Ordinance has been presented at all Hopi villages and communities for public comment and input resulting in

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overwhelming support for the enactment of the Hopi Small Animal Control Ordinance.

NOW THEREFORE BE IT RESOLVED, upon review and debate by the Hopi Tribal Council, it herewith adopts the attached Hopi Small Animal Control Ordinance.

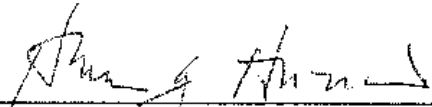
BE IT FURTHER RESOLVED, pursuant to approved Hopi Tribal Government Organizational Chart enacted by Resolution H-118-2015, the Hopi Small Animal Control program shall be administered from the Department of Public Works.

BE IT FINALLY RESOLVED, that this enactment shall supersede Hopi Resolution H-27-1973 and any previous actions or policies that are inconsistent or in conflict with the intent, purpose, and provisions of this Hopi Small Animal Control Ordinance.

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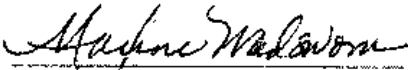
CERTIFICATION

The Hopi Tribal Council duly adopted the foregoing Resolution on April 26, 2016 at a meeting at which a quorum was present with a vote of 19 in favor, 0 opposed, 1 abstaining (Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (a) and (g) of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of adoption and does not require Secretarial approval.



Herman G. Honanie, Chairman
Hopi Tribal Council

ATTEST:



Maxine Wadsworth, Tribal Secretary
Hopi Tribal Council

Hopi Small Animal Control Ordinance

ORDINANCE NO 61

1.00 PURPOSE

The purpose of this Ordinance is to:

- a. Promote the health, safety and general welfare of the Hopi people, its Villages and visitors to the Hopi Reservation;
- b. Work within the framework of Tribal government and, in concert with the Villages, to administer the activities of all persons who own, possess or have custody of domestic animals on the Hopi Reservation;
- c. Provide for Tribal regulation of activities related to the ownership, possession or custody of animals by all persons within the territorial jurisdiction of the Hopi Tribe; and,
- d. Ensure reasonable control of domestic animals by their owners, protect children, elderly and all residents of the Hopi Reservation and their guests from injury by dogs, cats and other animals, and prevent the spread of disease which could harm human beings and wildlife on the Hopi Reservation.

2.00 SCOPE

This Ordinance applies to all domestic animal owners and all domestic animals located within the boundaries of the Hopi Reservation. While the Hopi Tribal Council acknowledges that Villages may adopt their own animal control ordinances, the Hopi Tribe shall enforce the provisions of this Ordinance.

3.00 AUTHORITY

The authority for this Ordinance is Article VI, Powers of the Tribal Council, Section 1(a), 1(g), and 1.(f) of the Constitution and By-Laws of the Hopi Tribe.

4.00 DEFINITIONS

For the purposes of this Ordinance, the following words and terms shall be given the following meanings:

- 4.01 ABANDONMENT means neglecting or leaving an animal without providing for its care, including, without limitation, failure to furnish adequate food, water and shelter or control.
- 4.02 ANIMAL CONTROL FUND means a special revenue account in the Tribal Treasury into which all fees and proceeds collected pursuant to this Ordinance shall be deposited, to be used for the benefit and purposes of this Ordinance.
- 4.03 ANIMAL CONTROL OFFICER means any person employed by the Small Animal Control Program to enforce this Ordinance and/or administer the Small Animal Control Program who is trained and deputized.
- 4.04 ANIMAL OWNER means any person eighteen years old or older or entity sheltering, feeding, harboring, exercising control over or having property rights to any animal.
- 4.05 ANIMAL SHELTER means any facility operated by a humane society or a governmental agency or its authorized agents for the purpose of impounding and/or caring for animals.
- 4.06 FREE ROAMING means any animal which is off the premises of its owner and not under the direct control of its owner.
- 4.07 BITE means any puncture, tearing, blunt trauma or severe bruising of the skin inflicted by the teeth of an animal.
- 4.08 CERTIFICATE OF VACCINATION means the signed form issued by a licensed veterinarian upon administration of a rabies vaccination.
- 4.09 COLLAR means a band, chain, harness or suitable device of permanent nature worn on the neck of an animal.
- 4.10 CONFINEMENT means keeping an animal indoors or in an enclosure which prevents the animal's escape or contact with human beings and other animals.
- 4.11 DOMESTIC ANIMAL means any animal living within a household, purchased in a pet store or otherwise under the care of an individual or family, such as a cat or dog. For the purpose of this Ordinance, 'Domestic Animals' do not include livestock.
- 4.12 ENFORCEMENT OFFICER means any officer of the Hopi Tribe's Office of Hopi Resource Enforcement Services, any Bureau of Indian Affairs officer of the Hopi Law Enforcement Services and any Animal Control Officer, including deputies or assistants.

- 4.13 EUTHANASIA means the act of humanely putting an animal to death, most commonly performed by administering an intravenous anesthetic.
- 4.14 HARBORING means providing food and/or care and/or shelter to any domestic animal.
- 4.15 HABITUALLY means something done often, as in usual, everyday behavior.
- 4.16 HOPI RESERVATION means all lands exclusively reserved for, held in trust for, granted to, partitioned to, or otherwise conveyed to or held in trust for the Hopi Tribe by the United States Government, including but not limited to Land Management District Six, the Hopi Partitioned Land [HPL] and all lands partitioned or otherwise awarded to the Tribe through the 1934 Act litigation and the Navajo-Hopi Settlement Act of 1996.
- 4.17 IMPOUNDMENT means the seizing and keeping in a designated appropriate facility of any domestic animal by an Animal Control Officer or any other enforcement officer.
- 4.18 LIVESTOCK means farm animals such as horses, mules, donkeys and meat animals, including but not limited to pigs, sheep, cows, rabbits and poultry.
- 4.19 MICROCHIP means an integrated circuit the size of a grain of rice holding pet and owner information that is injected under the skin of an animal by a veterinarian.
- 4.20 OEHE means Office of Environmental Health and Engineering within the Indian Health Service.
- 4.21 OWNER means any person owning, keeping, possessing, harboring or maintaining an animal for more than seven consecutive days.
- 4.22 PET means a household animal, such as a cat or dog, kept for companionship and a person's enjoyment, not including livestock, laboratory animals, working animals or sport animals.
- 4.23 POULTRY means all domestic birds, including but not limited to chickens, ducks, turkeys and geese.
- 4.24 PREMISES means a building or the land around the building whether fenced or not.
- 4.25 PUBLIC PLACE means a place or building open to or serving the general public.
- 4.26 QUARANTINE means to detain or isolate a domestic animal suspected of being infected with a contagious condition/disease.

- 4.27 RABID ANIMAL means any animal with rabies.
- 4.28 RABIES means the viral disease that affects the central nervous system of warm-blooded animals.
- 4.29 REGISTRATION means the licensing of a domestic animal by its owner upon payment of a fee.
- 4.30 SMALL ANIMAL CONTROL PROGRAM means the program of the Hopi Tribe established pursuant to this Ordinance.
- 4.31 STRAY ANIMAL means any animal that does not have an owner.
- 4.32 VACCINATION means the inoculation of an animal with an approved vaccine.
- 4.33 VETERINARIAN means a person licensed to practice veterinary medicine within the United States.
- 4.34 VICIOUS ANIMAL means any animal that without provocation bites or attacks human beings or other animals, or seriously injures livestock, poultry, other domestic animals or wildlife or is trained to fight or declared as a vicious animal by the Hopi Tribal Court.
- 4.35 WILDLIFE means vertebrate animals living in nature, except feral animals and domestic livestock.
- 4.36 WEMP means Wildlife and Ecosystem Management Program within the Hopi Tribe's Department of Natural Resources.
- 4.37 ZOONOTIC/VECTOR-BORNE DISEASE means a disease that can be transmitted from animals to humans, such as rabies, plague, Rocky Mountain Spotted Fever, West Nile Virus, or, more specifically, a disease that normally exists in animals but that can infect humans.

5.00 HOPIS SMALL ANIMAL CONTROL PROGRAM

5.01 Establishment

- (a) The Hopi Small Animal Control Program is hereby established as a program of the Hopi Tribe and is charged with administering the issuance of licenses and citations, collecting fees and otherwise enforcing the provisions of this Ordinance.

- (b) The Hopi Tribe shall employ an Animal Control Officer(s) and provide administrative support necessary to otherwise carry out the duties and responsibilities of the Small Animal Control Program and of this Ordinance.
- (c) An Animal Control Fund shall be established as a special revenue account, within the tribal accounting system. The Tribal Treasurer shall set up an account for the fund and administer the fund in accordance with the Hopi Tribe's Fiscal Management Policies and this Ordinance. The Animal Control Fund is comprised of fees and proceeds received from:
 - (1) Domestic Animal Licensing fees;
 - (2) Impoundment fees imposed by this Ordinance;
 - (3) Fines for violations of this Ordinance;
 - (4) Gifts, grants, and contracts; and
 - (5) Allocations of such tribal revenues as the Hopi Tribal Council shall make annually to enable the Small Animal Control Program to ensure compliance with this Ordinance.

Expenditures may be made from the Animal Control Fund in furtherance of this Ordinance including, but not limited to, enforcement, implementation activities, and veterinary services and hiring of personnel under this Ordinance.

5.02 Animal Shelter

- (a) An animal shelter shall be established for the purpose of caring for domestic animals impounded under the provisions of this Ordinance.
- (b) The shelter shall be constructed in a manner to facilitate cleaning and sanitizing.
- (c) The shelter shall provide adequate air circulation, heating, food and water to the animals.
- (d) The shelter shall be operated in a safe and sanitary manner.

5.03 Animal Control Advisory Board

An Animal Control Advisory Board shall be established to provide input concerning operations of the Small Animal Control Program, including annual review of this Ordinance and its fees/fines. This board shall include a representative appointed by the director of the following programs: Department of

Natural Resources (DNR), Office of Environmental Health and Engineering (OEHE), Village Community Service Administrators (CSA), Hopi Department of Health and Human Services (HDHHS), Hopi Veterinary Services (HVS), Hopi Department of Public Safety and Emergency Services (DPSES).

The Animal Control Advisory Board shall be convened by the representative from the Department of Public Works and the Advisory Board shall select a chairperson annually from its own membership. The Animal Control Advisory Board shall meet when necessary but at least four (4) times each year.

5.04 Staff

- (a) The Office of Public Works shall operate the Small Animal Control Program and enforce the provisions of this Ordinance.
- (b) The Small Animal Control Program may hire additional Animal Control Officers, as needed, who shall have the authority to enforce this Ordinance. The Small Animal Control Program may also hire office and animal shelter personnel, as needed, to assist in carrying out the purposes of this Ordinance.

5.05 Duties and Responsibilities

- (a) The Animal Control Officer(s), Hopi Resource Enforcement Services (HRES) and Hopi Agency Bureau of Indian Affairs Law Enforcement Services shall have the authority to enforce this Ordinance.
- (b) The Animal Control Officer(s), as well as enforcement officers of Hopi Resource Enforcement Services and Hopi Agency Bureau of Indian Affairs Law Enforcement Services, shall issue citations for violations of the provisions of this Ordinance.

5.06 Access to Premises for Humane Purposes

- (a) The Animal Control Officer or other enforcement officer shall request access to any premises where any animal is suspected of being kept in a cruel or inhumane manner to examine such animal, to investigate a situation where an animal's life or human health may be endangered, or to extract vicious animals.
- (b) Should the Animal Control Officer or other enforcement officer be denied access or be unable to obtain permission to enter to any premises, vehicle or enclosed area, and if the situation is critical, exigent circumstances exist and/or the owner or occupant is unavailable, the Animal Control Officer or other enforcement officer may enter the premises, vehicle or enclosed area, for the limited purpose of saving the animal's life or protecting human health.

6.00 REGISTRATION OF DOMESTIC ANIMALS WITH THE SMALL ANIMAL CONTROL PROGRAM

6.01 Registration

- (a) All dogs and cats over four (4) months of age that are maintained on the Hopi Reservation for more than thirty (30) consecutive days must be registered with the Small Animal Control Program. If there is a change in ownership, the new owner must reregister the animal in question within thirty days. Dogs and cats will only be registered to an individual eighteen years old or older.
- (b) Registration will consist of payment of fees, providing proof of rabies vaccination, (including vaccination number and the date acquired) and recording of the animal's name, breed, description, whether or not the animal has been spayed or neutered, age and the owner's name, physical and mailing address and telephone number as well as any additional information required by the Animal Control Board.
- (c) Ownership of all dogs and cats will be demonstrated by the owner possessing a valid registration certificate and/or microchip identification.
- (d) It shall be the responsibility of the owner to notify the Small Animal Control Program of a change of address or ownership within thirty (30) days.

6.02 Fees

The Animal Control Advisory Board shall have the authority to establish licensing fees for the registration and renewals of registration, impoundment of animals, and any other fees provided for in this Ordinance. Such fee schedule shall be made available to the residents of the Reservation and said fees shall be reviewed annually by the Animal Control Advisory Board.

7.00 DISEASE CONTROL

7.01 Rabies Vaccination

Every person owning or harboring a dog or cat four (4) months of age or older shall have such animals vaccinated against rabies with an approved vaccine administered by a licensed veterinarian or by a person under the direct supervision of a licensed veterinarian to administer the vaccine at the owner's expense.

7.02 Rabies Tags

- (a) Upon vaccination of any domestic animal a rabies vaccination certificate and tag shall be issued to the owner.

- (b) The original rabies vaccination certificate shall be retained by the owner for inspection by any person charged with the enforcement of this Ordinance or those responsible to conduct animal bite investigations.
- (c) The tag shall be attached to each cat or dog's collar, harness or other device and shall be worn by the vaccinated cat or dog outside a dwelling at all times.

7.03 Replacement Tags

In the event of loss or destruction of the original rabies tag, a replacement tag, upon proof of vaccination, such as the vaccination certificate, may be obtained from the issuing entity for a fee. A lost or destroyed rabies tag must be replaced by the owner within 30 days.

7.04 Failure to Obtain or Display Vaccination Tags

It shall be unlawful for any person to fail to obtain a rabies vaccination as required under this section or to fail to attach the rabies tag to a vaccinated cat or dog unless the animal is confined within a dwelling.

It shall be unlawful for any person who owns or harbors any dog or cat to refuse to exhibit a certificate or vaccination upon demand to any person charged with the enforcement of this Ordinance.

7.05 Fraud

- (a) It shall be unlawful for any person to attach a vaccination tag to an animal that has not been vaccinated.
- (b) It shall be unlawful for any person to alter a vaccination certificate.

8.00 ANIMAL BITES

8.01 Reporting

- (a) Any person bitten by an animal on the Hopi Reservation shall inform the Animal Control Officer who will contact the Enforcement Officers and OEHE, supported with relevant reports/documentation. OEHE and/or the Animal Control Officer shall have the responsibility to investigate animal bites and to provide a written report to the Director of the Office of Public Works and Hopi Department of Health and Human Services.
- (b) The Animal Control Officer shall provide a follow up report on all incidents within 10 working days. The Animal Control Officer will maintain a record

of all incidents (number of bites and outcome of investigations) and submit a quarterly report to the Director of the Office of Public Works, Hopi Veterinary Services, OEHE, and Hopi Department of Health and Human Services.

8.02 Vaccinated Animals

If a biting animal has been vaccinated for rabies, the Animal Control Officer shall have the discretion to impound the animal or to take other reasonable steps to ensure that the animal is confined for observation in the interest of public safety. The owner shall be advised to bring in the animal to be examined within 72 hours and placed in quarantine for a minimum of 10 days.

8.03 Unvaccinated Animals

If a biting animal has not been vaccinated for rabies, at the owner's expense, the Animal Control Officer shall impound and quarantine the animal for a period of not less than ten (10) days and the animal will be vaccinated for rabies. Any stray animal that bites any person or animal shall be euthanized.

8.04 Wildlife

Any wildlife that bites a person shall be euthanized and submitted to the Arizona State Public Health Laboratory for rabies examination.

8.05 Duty to Produce Animal

(a) The owner of any domestic animal that has been reported as having inflicted a bite on any person shall, upon demand by any enforcement officer, immediately produce said animal and all vaccination information.

(b) It shall be unlawful to refuse to produce said animal or its vaccination information.

8.06 Removal of Animals from Quarantine

It shall be unlawful for any person to remove from any place of impoundment, isolation or quarantine any animal which has been impounded, isolated or quarantined under this section without the written consent of the Animal Control Officer.

9.00 WILDLIFE

It shall be unlawful to keep wildlife as a pet on the Hopi Reservation. Eagles and hawks kept for ceremonial purposes shall be exempt from this Ordinance. Animals permitted by US Fish and Wildlife shall be exempt from this section of the Ordinance.

10.00 INJURY TO LIVESTOCK, DOMESTIC ANIMALS AND PERMITTED WILDLIFE

10.01 Liability for Damages

- (a) If a domestic animal kills or injures any livestock, domestic animal, or permitted wildlife, the owner or keeper of such animal shall be liable for all damages.
- (b) To recover the damages, the owner or Wildlife and Ecosystem Management Program (WEMP) may file a claim with the Hopi Tribal Court. The claim shall include, in addition to other requirements imposed by law, a description of the livestock, domestic animal or permitted wildlife involved, the location of the incident, the age and value of the livestock, domestic animal or permitted wildlife, and the damages inflicted.
- (c) In awarding damages, the court shall consider, but not be limited to, the current market price for the livestock of the same breeding, age and weight, and any veterinary fees incurred because of the injuries. For permitted wildlife, the court shall use the current restitution values assigned in the Wildlife Ordinance #48.

11.00 NUISANCE ANIMAL

11.01 Litter/Debris

Any domestic animal found knocking over any trash can or otherwise distributing any garbage, litter or feces shall be reported to the Animal Control Officer or other Enforcement Officer. The owner of the domestic animal shall be responsible for cleaning up any mess.

11.02 Odor and Flies

Anyone keeping any domestic animals in residential areas shall keep them in a clean and sanitary manner so that odor and flies do not disturb the neighborhood. Owners violating this provision, in addition to any other penalties, may be required to remove the animals.

12.00 FREE ROAMING DOGS AND CATS

Registered dogs or cats may lawfully roam free on the Hopi Reservation, provided that their vaccinations and registration are current, there is no pending complaint about the

animal on file with the Animal Control Officer, and the animal has not been found to be vicious or in heat.

13.00 FEMALE DOGS AND FEMALE CATS IN HEAT

Female domestic dogs and cats in heat shall be confined in a building or secure enclosure in such a manner that such animals cannot come into contact with another dog or cat. Any person permitting a female dog or cat in heat to run free shall be fined.

14.00 DISPOSITION OF VICIOUS ANIMALS

14.01 Disposition

(a) First Offense

If a domestic animal is involved in killing, injuring, attacking or harassing livestock and/or other domestic animals or permitted wildlife, the Animal Control Officer shall issue an order for the permanent confinement at the home site of the offending animal in an approved manner. The owner of said animal shall receive a citation and fine. It shall be unlawful for an owner of such an animal to allow said animal to roam free following issuance of said order. Any costs incurred shall be the responsibility of the owner. No animal shall be allowed out of its containment area, except on a six-foot leash in the company of a person capable of controlling it. In the event that a domestic animal causes serious and grievous bodily injury to a human, the determination of the disposition of the domestic animal shall be within the discretion of the Animal Control Officer, following appropriate quarantine protocols. The owner of said animal shall be cited, fined and responsible for all injury treatment costs incurred.

(b) Second Offense

If a domestic animal is involved for a second time in killing livestock, domestic animals or permitted wildlife or injuring, killing or harassing livestock, humans, domestic animals, or permitted wildlife, the Animal Control Officer shall impound the offending domestic animal and provide for its humane euthanasia at its owner's expense.

14.02 Selling, Abandoning or Otherwise Disposing of Domestic Animals under this Section

Any domestic animal found to be vicious may not be sold, given away or abandoned, but shall be surrendered to the Animal Control Officer and euthanized at its owner's expense.

15.00 IMPOUNDED DOMESTIC ANIMALS

15.01 Care

- (a) Impounded animals shall be given proper care and maintenance.
- (b) Impounded animals that are sick or injured may be euthanized if such euthanasia is necessary to prevent animal suffering or the spread of disease. The Hopi Veterinarian must certify in writing that such euthanasia is necessary before an animal may be euthanized under this section. Attempts will be made to notify the owner, if known.

15.02 Disposition

(a) Animal Impounded with the Small Animal Control Program

- (1) As soon as practicable after impoundment, the Animal Control Officer shall notify the owner and the animal will be kept for five (5) days.
- (2) Any impounded domestic animal, which is vaccinated, may be redeemed by the owner upon payment of any fines, impoundment fees, care and feeding charges and any veterinary charges. If the domestic animal does not have a current rabies vaccination, it must be administered at the owner's expense before release of the animal.
- (3) If such an animal is not redeemed within five (5) days, it shall be deemed abandoned and the animal shall be euthanized or adopted. The procedure for adoption of an animal shall be determined by the Animal Control Advisory Board.

15.03 Removal of Animals

It shall be unlawful for any person to remove any impounded animal from any place of impoundment without the written consent of the Animal Control Officer.

15.04 Impoundment Fees

- (a) An impoundment fee shall be charged to the owner for animals impounded under this Ordinance.
- (b) This fee shall be set by the Animal Control Advisory Board. This fee shall be reviewed annually by the Animal Control Advisory Board.

16.00 CRUELTY AND NEGLECT

- 16.01 It is unlawful for any person to mistreat, abandon or cruelly neglect any domestic animal or permitted wildlife or cause such to occur.
- 16.02 It is unlawful for a person having custody of a domestic animal or permitted wildlife to permit the animal to be subjected to cruelty, mistreatment, or neglect.
- 16.03 It is unlawful for a person to entice, provoke or permit a domestic animal to fight another domestic animal or use a domestic animal to cause harm.
- 16.04 It shall be unlawful for any person owning or having custody of an animal to fail to provide:
- (a) Adequate food and water;
 - (b) Access to natural or artificial shelter adequate to protect it from extreme temperatures and elements; or
 - (c) Care and medical treatment for injuries, parasites and disease.
- 16.05 The Animal Control Officer may impound neglected animals and fine those responsible.

17.00 DISPOSAL OF DEAD ANIMALS

- 17.01 The owner or person in possession of a dead animal other than livestock shall dispose of the carcass(s) in a manner that is consistent with Hopi Ordinance 44 (Hopi Solid Waste Ordinance), Section 1.07 or by arranging with the Animal Control Officer within 24 hours of the death of the animal for removal of the carcass. The owner will be responsible for payment of removal and/or disposal.
- 17.02 When the owner or person in possession fails or refuses to comply with this section, such disposal shall be made by the Animal Control Officer and the cost of such disposal shall be assessed to the owner.
- 17.03 The disposal of any dead animals found within an established road right-of-way is the responsibility of the entity granted the use of said road right-of-way. Reports of dead animals within a road right-of-way should be made to Hopi Department of Transportation [HDOT].
- 17.04 Dead animals shall not be stored by the Small Animal Control Program for any longer than three (3) days prior to disposal.

18.00 OWNER LIABILITY

Injury to a person or property by a domestic animal shall be the responsibility of the animal owner or person responsible for the animal upon completion of investigation.

19.00 INTERFERENCE WITH AN OFFICER

It shall be unlawful for anyone to interfere with, hinder, or prevent the Animal Control Officer or other authorized enforcement officer or official in the discharge of their duties under this Ordinance.

20.00 PENALTIES

20.01 Any person, Indian or non-Indian who violates any Section of this Ordinance shall be subject to a civil penalty, punishable by a fine as determined by the Animal Control Advisory Board.

20.02 Each day a violation continues or occurs shall constitute a separate offense, within the discretion of the Animal Control Officer.

20.03 The Animal Control Advisory Board shall be responsible for establishing fines, fees and penalties, which shall be reviewed annually.

21.00 APPEALS

21.01 Except as otherwise provided in this Ordinance, anyone who is aggrieved by a determination of the Animal Control Officer arising pursuant to this Ordinance may file an appeal with the Hopi Tribal Courts objecting to such a determination. Such appeal shall be filed within thirty (30) days of the determination of the Animal Control Officer. Any action brought pursuant to this section shall be an appeal of the administrative record only.

22.00 HOPi CODE

The following sections of the Hopi Code, as amended, shall also apply to the foregoing:

3.9.1. Fraud

3.12.1. Cruelty to Domestic Animals.

23.00 OTHER PROVISIONS

23.01 Severance Clause

If any portion of this Ordinance is for any reason ruled invalid by the Hopi Tribal Courts, Federal Courts, or any other courts of competent jurisdiction, that portion shall cease to be operative but the remainder of this Ordinance shall continue in full force and effect.

23.02 Conflict with Other Ordinances/Resolutions

This Ordinance supersedes and replaces all other provisions of existing Hopi Tribal ordinances and resolutions that are in conflict with it.

23.03 Sovereign Immunity

Nothing in this Ordinance shall be deemed or construed to be a waiver of the sovereign immunity of the Hopi Tribe, its officials, its entities or employees acting within their official or individual capacities.

23.04 Amendments

This Ordinance may be amended by Resolution of the Hopi Tribal Council, upon recommendation of the Hopi Animal Control Advisory Board. Review of this Ordinance will be made every year by the Hopi Animal Control Advisory Board.

23.05 Effective Date

This Ordinance shall take effect upon approval by the Hopi Tribal Council. The Hopi Small Animal Control Program will begin implementation of program services upon funding.

23.06 Within six (6) months of service implementation, the Hopi Small Animal Control Program shall be evaluated by the Hopi Animal Control Advisory Board and/or the program with oversight of the Hopi Small Animal Control Program service implementation.