

**MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO**

**ORDINANCE NO. 01-06
ADDENDUM**

WHEREAS, the Mescalero Apache Tribe, an Indian Tribe organized pursuant to (25 USC 476) now operates under its revised Constitution of January 12, 1965 was duly approved pursuant to (25USC) and,

WHEREAS, all member affiliates and tribal members living within the boundaries of the Mescalero Apache reservation,

WHEREAS, pursuant to the Animal Control Officer which was newly appointed to control the population and well being of all Tribal members from sickness and health from all wild, feral, and domestic canines and felines,

WHEREAS, Mescalero Apache Tribal Code revised on November 9, 1998 has introduced some codes that are invalid to the newly appointed Animal Control Officer,

WHEREAS, the Codes are inconsistent to the duties performed of the Animal Control Officer, whose duty is to reduce population and monitor all disease carried by such animals as canines, felines on the Mescalero Apache Reservation,

WHEREAS, Tribal Ordinance No. 01-06, Animal Control, should be added there is now an Animal Disposal Fee, 16-1-17,

NOW, THEREFORE, BE IT ORDAINED, by the Mescalero Apache Tribal Council that Tribal Ordinance No. 01-06, Animal Control be hereby amended to the Animal Disposal Fee,

BE IT FURTHER ORDAINED, that this proclamation can be amended or modified only by the action of the Mescalero Apache Tribal Council.

16-1-10. RIGHT OF ENTRY: The Animal Control Officer, while in performance of his official duties, may enter upon private property for the purpose of apprehending any dog or cat running at large, which shall include any uncontrolled, unwanted, stray dogs or cats. The Animal Control Officer may also enter upon private property, after receiving a valid complaint of a vicious dog thereon, to conduct investigations of any dog(s) known by the owner or keeper to be vicious. (This does not give the Animal Control Officer authority to enter into any private residence without proper authorization of the homeowner). The penalty for this violation shall be a fine of Ten dollars (\$10.00) for the first offense and Fifteen dollars (\$15.00) for each additional offense, plus a Ten-dollar (\$10.00) court cost.

16-1-11. LIMITATIONS IN OWNERSHIP: No household or any member thereof shall own, harbor, or keep dogs or cats or a combination thereof, that exceed three (3) dogs and two (2) cats at anytime provided that the animal(s) have been vaccinated and are confined to a fenced yard, a large animal pen, or held by a leash or chain strong enough to keep the animal under control of the owner. The penalty for this violation shall be fine of Ten dollars (\$10.00) for the first offense and Fifteen dollars (\$15.00) for each additional offense, plus a Ten-dollar (\$10.00) court cost.

16-1-12. CONFINEMENT DURING ESTRUS (HEAT): Any domestic female cat or dog in the state of estrus shall be confined by the owner/keeper to a building, pen or a secure enclosure, so that contact with male animal of the same species will be prevented. The penalty for this violation shall be a fine of Ten dollars (\$10.00) for the first offense and Fifteen dollars (\$15.00) for each additional offense, plus a Ten-dollar (\$10.00) court cost.

16-1-13. ANIMAL NUISANCE: It shall be unlawful for owners and keepers to allow, either willfully or through neglect to exercise control over their pets, their dog(s) or cat(s) to be a nuisance to the general public including any sidewalks, any public building used in common by the general public, or upon any private property other than their own. The penalty for this violation shall be a fine of Ten dollars (\$10.00) for the first offense and Fifteen dollars (\$15.00) for each additional offense, plus a Ten-dollar (\$10.00) court cost.

16-1-14. RIGHT OF EUTHANASIA: The Animal Control Officer of the Mescalero Conservation Department will have the right to properly dispose (euthanize) any animal, canine or feline, that is running loose, wild or feral in all public or private areas, and not under the ownership of any resident on the Mescalero Apache Reservation.

16-1-15. DOG BITES: The owner of any animal (dog or cat) that bites a person, and a person bitten by an animal (dog or cat) have the duty to report that incident to Mescalero Indian Hospital or the Animal Control Officer as soon as possible. Therefore the owner of an animal (dog or cat) that bites a person should surrender said animal (dog or cat) if necessary to the Animal Control Officer. The penalty for this offense shall be Fifteen dollars (\$15.00) for the first offense and Twenty dollars (\$20.00) for each additional offense, plus and Ten-dollar (\$10.00) court cost.

16-1-16. VICIOUS CANINES: Any owner of vicious canine e.g. Rottweillers, pit bulls, Dobermans, etc. shall be responsible for the actions of said canine(s). Therefore shall have it secured by a heavy chain, or kept in a fenced secured yard. The penalty for this offense shall be a fine of Twenty dollars (\$20.00) for the first offense, and Fifteen dollars (\$15.00) for each additional offense, plus a Ten-dollar (\$10.00) court cost.

ADDENDUM TO ORDINANCE NO. 01-06

16-1-17. Animal Disposal Fee: Canines, felines, (dogs & cats, etc.)

As stated in the past that the Mescalero Conservation Animal Control will not, and cannot pick up dead dogs, (strays, family dogs) and that they are the responsibility of the pet owners, property owners. In the past year, the Animal Control Department has received continuing calls to pick up dead dogs from their yards, claiming their animals to be strays, therefore the Animal Control Department will start taking these calls (pick up dead dogs, etc) with a fee of \$15.00 fifteen dollars, per animal (dogs, cats, etc.) due upon receipt of cash/money orders.

CERTIFICATION

The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 26th day of October, 2001, at legally called session of the Mescalero Apache Tribal Council, at which a quorum was present and at which a majority of the members voted in favor thereof. This enactment is approved by the President of the Mescalero Apache Tribe under authority of Article XII, Section 1, of the Revised Constitution.

WHEREAS, the Mescalero Apache Tribe, an Indian Tribe organized under the Indian Reorganization Act of June 18, 1934, and under its Revised Constitution has full power Sandra Platero under **Sandra Platero, Secretary** the Tribe, and

WHEREAS, all tribal members and affiliates living within the boundaries of the Mescalero Apache Reservation. Sara Misquez

Sara Misquez, President

WHEREAS, pursuant to the Animal Control Ordinance that was newly appointed to control the population and well being of all Tribal members from sickness and health from all wild, feral and domestic canines and felines, and

WHEREAS, the Mescalero Apache Tribal Code revised on November 9, 1998, has introduced some codes that are invalid to the newly appointed Animal Control Officer, and

WHEREAS, the Codes are inconsistent to the duties performed of the Animal Control Officer, whose duty is to reduce population and monitor all disease caused by such animals as canines, felines on the Mescalero Apache Reservation.

AND, THEREFORE, BE IT RESOLVED, that the attached be for all animal control.

BE IT FURTHER RESOLVED, that the Animal Control Officer is authorized and directed to keep all such animals in control as specified.

BE IT FURTHER RESOLVED, that said ordinance be modified or amended only by the action of the Mescalero Apache Tribal Council.