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AN ORDINANCE OF THE UINTAH AND OURAY TRIBAL BUSINESS COMMITTEE TO AMEND TITLE IX UTE ANIMAL CONTROL CODE

WHEREAS: The Tribal Business Committee ("Business Committee") of the Ute Indian Tribe of the Uintah and Ouray Reservation ("Tribe") is empowered by Article VI, Section l(k) of the Constitution and Bylaws of the Tribe to promulgate and enforce ordinances, which shall be subject to the review of the Secretary of the Interior, governing the conduct of members of the Ute Indian Tribe of the Uintah and Ouray Reservation, and providing for the maintenance of law and order and the administration of justice; and

WHEREAS: The Business Committee is empowered by Article VI, Section 1(l) of the Constitution and Bylaws of the Tribe to safeguard and promote the peace, safety, morals, and general welfare of the Ute Indian Tribe; and

WHEREAS: The Business Committee determined that revisions to the Ute Indian Animal Control Code, Title IX were necessary to provide enhanced control over the domestic animals on the Uintah an Ouray Reservation and to protect the health, safety, and welfare of Tribal members; and

WHEREAS: The Business Committee has reviewed the revisions to Title IX Ute Indian Animal Control Code, attached hereto, and has determined it is in the best interests of the Tribe to adopt the proposed revisions and amend Title IX.

BE IT ENACTED BY THE UTE TRIBAL BUSINESS COMMITTEE OF THE UTE INDIAN TRIBE by virtue of its inherent authority as a sovereign Indian Tribe to regulate the conduct of persons on the Uintah and Ouray Reservation, such authority being recognized and confirmed by the Act of Congress of June 18, 1934, 48 Stat. 984, and pursuant to the powers of the Tribal Business Committee, as enumerated in the Constitution of the Ute Indian Tribe at Article VI, Sections l(k) , to promulgate and enforce ordinances and protect the safety and general welfare of the Ute Indian Tribe and its members, that it hereby adopts the revisions to the Ute Law and Order Code, Title IX, Ute Indian Animal Control Code, being attached hereto.

Any and all previously adopted ordinances of the Business Committee which conflict in any way with the provisions and amendments of this Ordinance are hereby repealed to the extent that they are inconsistent with, in conflict with, or are contrary to the spirit and/or purpose of this Ordinance.

Enacted this 1st day of December, 2025.

Shaun Chapoose, Chairman

Michael Natchees, Vice-Chairman

Percel Cesspooch, Member

Emmett R. Duncan, Sr., Member

Julius T. Murray, III, Member

Cleveland Murray, Member

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE was adopted by the Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Reservation pursuant to the Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation at a duly called meeting in FtDuchesne, Utah, on the 1st day of December, 2025, at which time a quorum was present and votes 6 for, 0 against, 0 abstaining, and 0 absent.

Tribal Business Committee - Secretary
Ute Indian Tribe, Uintah & Ouray Reservation

TITLE IX (9) –

UTE INDIAN ANIMAL CONTROL CODE

Sections

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§ 9-1-1. Purpose.

The purpose of this Animal Control Code is to provide for the control of domestic animals other than those kept for livestock purposes; to protect the health, safety, and welfare of the residents of the Uintah and Ouray Reservation; to protect the property and livestock of the residents of the Reservation from damage or disease originating with animals; to adopt and enforce certain regulations and restrictions on the privileges of owners of animals and the rights and privileges of residents of the Uintah and Ouray Reservation.

§ 9-1-2. Definitions.

1. Abandonment of Animals- shall mean the act by which any owner(s) leaves an animal off or on the premises without provisions for care or control by another person.

2. Animal- shall generally mean, unless broadened or limited in a given section or subsection herein, any animal for pleasure or utility and in a tame condition either by training, breeding, or the natural propensity of the animal, and maintained by man to live in a controlled condition.

3. Animal Control Officer- shall mean any person designated by the Ute Indian Tribe to be in charge of enforcing the provisions of this Ordinance and shall include but not be limited to a Fish and Wildlife Department Officer, Tribal police officer or other person designated by

the Business Committee as such, or an Animal Control Officer of Uintah or Duchesne Counties, State of Utah.

4. Owner- shall mean every person in possession or who harbors any animal or who shall allow any animal to remain about the premises.

5. Animal Shelter- shall mean any facility operated by a humane society or governmental agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Ordinance.

6. Bite- shall mean a puncture or tear of the skin inflicted by teeth of an animal.

7. At Large- shall mean any animal found off the premises of the animal's owner and not: a) under the control of any person by means of personal presence and attention which constitutes reasonable control of the animal's conduct; b) restraint of the animal in a vehicle; or c) housing the animal in a veterinary hospital or kennel.

8. Community- shall mean the various communities on the Uintah and Ouray Reservation (Randlett, Fort Duchesne, Myton, Ouray, Whiterocks, Richardson's Subdivision, Neola, Lapoint).

9. Dangerous Animal- shall mean any animal: a) not naturally tamed or domesticated; b) of wild or feral nature or character; or c) capable of or known to inflict serious injury or death. While not limiting those animals which shall be considered dangerous animals, this definition may include animals which would generally be considered domesticated animals, but in a certain situation are of a vicious nature which presents an immediate and clear danger to the safety or well-being of human beings.

10. Dispose of- shall mean the humane euthanization of an animal, offering an animal up for adoption, or providing for the permanent care of an animal by other reasonable and humane means.

11. Department- shall mean the Ute Indian Fish & Wildlife Department.

12. Dog Pack- shall mean three or more dogs running together.

13. Harboring- shall mean the act by which the owner or occupant of any premises keeps an animal or to which an animal customarily returns for daily food and care, is presumed to be harboring or keeping the animal within the means of this Ordinance.

14. Health Advisor- shall mean a person with specialized training in the identification and control of zoonotic diseases in dogs and cats, such as rabies, which might infect humans and other animals. This individual may be a representative of the Tribal Health Authority, Tribal Animal Office, United States Public Health Service/ Indian Health Service, or a licensed Veterinarian.

15. Impoundment- shall mean the act of detaining an animal on behalf of the Ute Indian Tribe in animal shelter established for caring for any animal which the Tribe takes possession under the provisions of this ordinance.

16. Keeper of a Dog- shall mean each adult person harboring, keeping, controlling or possessing a dog at any location on the Uintah and Ouray Reservation; each parent or guardian of a child who keeps, controls, or possesses a dog at any location on the Uintah and Ouray Reservation; and each adult owner, renter, allotment holder, land assignment holder, or occupant of any premises or land located on the Uintah and Ouray Reservation to which a dog remains or to which it customarily returns to daily for a period of ten (10) days.

17. Kennel- shall mean any premises wherein any person engages in the business of boarding, breeding, buying, letter for sire, training for a fee, or selling dogs or cats; (or acting as an animal shelter harboring dogs or cats over three months.

18. Law Enforcement Authority- shall mean the Law Enforcement agencies designated by the Business Committee as having jurisdiction for enforcement of the Animal Control Ordinance and Program.

19. Licensed Veterinarian- shall mean a person with a Doctor of Veterinary Medicine or MVD Degree Licensed to practice within the United States.

20. Licensing Authority- shall mean the Ute Indian Tribe Fish and Wildlife Department having jurisdiction or authorized designee.

21. Livestock- shall mean domestic animals used or raised on a farm or ranch for resale or personal consumption but shall not include dogs or cats.

22. Owner- shall mean any adult person or persons, or custodian owning, keeping, harboring, in possession of, or having control over any animal.

23. Quarantine- shall mean to detail or isolate an animal suspected of being infected with rabies or other contagious diseases.

24. Rabies Vaccination- shall mean the inoculation of a dog, cat or other animal with rabies vaccine approved by the health advisor.

25. Reservation- shall mean the Uintah and Ouray Reservation of the Ute Indian Tribe.

26. Restraint- shall mean securing an animal by a leash or lead, or under control of a responsible person and obedient to that person's commands, or within a fenced area capable of confining an animal.

27. Securely Kept- shall mean a chain or tie out, minimum of 3/16" (800 lbs. strength), and a fenced area/kennel around the animal, a minimum of 6 feet tall, if necessary, with a cover, if necessary, to prevent the escape of the animal.

28. Stray- shall mean any domesticated animal found to have no identification or known owner.

29. Vicious Animal- shall mean any Animal that inflicts unprovoked bites or attacks human beings or other animals either on public or private property, unless protecting said property, or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places. Vicious Dog includes but is not limited to: 1) any Pit Bull Terrier; 2) Japanese Akitas; and 3) Any dog for which any ancestor was a Pit Bull terrier or Japanese Akita.

§ 9-1-3. Powers and Duties.

1. The Animal Control Officer(s) or its designated representatives shall supervise, coordinate and be responsible for the vaccination, licensing, impounding, maintaining, destruction of animals, keeping records, collecting and disposition of monies, and enforcing the articles of this ordinance.

2. The Animal Control Officers or other designated representatives, and the general responsibility to control animals on the Reservation shall be under the jurisdiction of the Ute Indian Fish & Wildlife Department. The Department shall supervise all Animal Control Officers, and their operations, responsibilities, and duties created under this Ordinance.

3. Animal Control Officers shall have the authority to promptly apprehend, transport, report on, investigate, issue citations, and provide for the impoundment and humane disposal of domesticated and dangerous Animals on the Reservation.

4. The Department shall determine and provide for any necessary training requirements for Animal Control Officers.

§ 9-1-4. Jurisdiction

The Department shall have jurisdiction over, and the authority to enforce this Ordinance regarding all Animals found on the Reservation.

§ 9-1-5. Seizure of Animals

The apprehension of Animals under this Ordinance shall be governed by the following provisions.

1. Animal Control Officers shall apprehend any Animal found to be in violation of any provision of this Ordinance. If said animal is a Dangerous Animal or Vicious Animal, or acts in a manner by which it is preventing Animal Control Officers from apprehending it,

the Officers may employ necessary and reasonable means to subdue Animal Control Officers shall be immune from suit for all reasonable actions taken while performing the functions of their jobs. the animal, including the use of approved sedative darts.

2. Any dog or other Animal upon which vaccination and/or tagging requirements have been imposed found on the Reservation not properly tagged and/or vaccinated may be seized by an Animal Control Officer and impounded.

3. Any dog or other Animal upon which quarantine restraints have been placed found running At Large or otherwise in violation of such restrictions shall be seized by an Animal Control Officer and impounded.

4. Any Animal found to be malnourished and have insufficient food, water and shelter shall be taken into custody and impounded.

5. Any Animal upon which restrictions have been imposed under this Code or regulations promulgated hereunder may be seized by an Animal Control Officer and impounded for violation of such restrictions.

6. Any vicious dog or any Animal which an Animal Control Officer has probable cause to believe is a vicious dog or animal shall be taken into custody and impounded.

7. Exemptions. The Business Committee may adopt regulations exempting from seizure and impoundment upon conditions designed to protect the safety and welfare of the Tribe and the inhabitants of the Reservation, animals being transported through the Reservation by tourists, common carriers and the like.

§9-1-6 Impoundment of Animals.

1. Once apprehended, the Animal Control Officers shall impound the animal in an Animal Shelter.

2. Impounded Animals- Any such animal shelter or a contract to provide animal shelter services, established for the purpose of caring for any animal impounded under the provisions of this ordinance, shall provide adequate cooling, heating, food and water supply for all animals impounded and shall be operated in a safe and sanitary manner.

3. Once impounded, Animal Control Officers shall begin the process of attempting to notify the Owner(s) or custodian of the animal of the impoundment.

   a. If the Owner or custodian of an animal is ascertainable, the Animal Control Officer(s) must notify the individual(s) within forty-eight (48) hours of impoundment by serving or having served upon the Owner or custodian of such impounded animal a notice of impoundment and citation for violation of this Ordinance. Receipt of notice shall be deemed accomplished either: 1) at the time the notice has been hand-delivered to the

Owner or custodian; or 2) twenty-four (24) hours after postmarked and placed in United States mail.

b. If the Owner or custodian is not readily ascertainable, the Animal Control Officer(s) must publish notice of the impoundment within forty-eight (48) hours of impoundment. Publication of notice shall be deemed to have occurred when Animal Control Officers cause to have posted a photograph of the impounded animal, along with information on the time, place and date the animal was apprehended in a public area of the Department. Animal Control Officers may also publish notice by other means, including on the Tribal Website or other public areas, such as a newspaper in which Tribal members and residents of the Reservation will have access.

4. Any Animal seized pursuant to the provisions of this Ordinance, for which notice has been provided, will be held by the Department for redemption for a set time pursuant to the following:

    a. If the Owner or custodian has been notified, the Animal seized under this Code shall be held for a period of seven (7) days after the Owner or custodian has been notified, with the exception of vicious dogs which shall be held for a period of three (3) days after the Owner or Custodian has been notified, and at the end of such time may be Disposed of unless redeemed by its owner or otherwise placed so as not to be in violation of this Code.

    b. If the owner is not discernible, the animal shall be held for seventy-two hours after notice has been posted.

5. After the time limits in Section 4 have expired, and if the Owner or custodian has not redeemed their animal from impoundment, the animal shall be deemed a stray animal and may be Disposed of in accordance with reasonable humane procedures.

6. An Owner or custodian who redeems their Animal from Animal Control shall be required to pay impoundment fees to the Department. An Animal may be redeemed by its owner or other person on behalf of the owner, by paying a fee of $10.00 per day or any part of a day, to cover the expense of impoundment. All fees collected shall be paid to the Department and thereafter be deposited into the budget for Animal Control.

7. No Animal may be redeemed without proof to Animal Control of proper vaccination. If such proof is not provided, the Animal Control shall ensure the Animal is vaccinated and the individual redeeming the Animal shall be charged for such vaccination.

8. The notice and redemption provisions set forth in this Section shall not apply to an animal with parvovirus or mange unless the Department has access to and control over suitable facilities to hold such animals, which must be separate from the facility which holds Animals not affected with parvovirus and/or mange. In the absence of such facility, such Animals may be humanely disposed of as provided for in this Title without notice or holding the Animal for a redemption period, provided the Department takes a photograph

of the Animal to document its parvovirus and/or mange, and drafts and maintains a detailed report for its records on the Animal. If such a facility is available, the notice and redemption periods shall apply as set forth in this Section.

9. The Animal Control Officer shall issue a civil or criminal citation to the Owner of the Animal so impounded for any violations pursuant to this Ordinance as provided for in Section 9-1-11.

10. Any Vicious Dog or other animal to which the Owner was issued a civil citation shall be maintained in impoundment by the Fish and Wildlife Department pending the resolution of the citation.

§ 9-1-7. Vaccination of Dogs and Other Animals.

1. All dogs or cats within the exterior boundaries of the Reservation over six (6) months of age shall be vaccinated against rabies by a licensed Doctor of Veterinary Medicine at least once every 12 months, and all dogs and cats within the exterior boundaries of the Reservation shall, at all times, wear a numbered tag indicating the date of such vaccination. A record of the tag numbers, dates of vaccination, and owner's name and address shall be kept by the Tribe. Animal tags will be issued by the Ute Indian Tribe Fish and Wildlife Department. The owner of the dog or cat are responsible for attaching to the collar or harness of the vaccinated animal metal tag, serial numbered and bearing the year of issuance.

2. The Business Committee may by resolution or ordinance, adopt general or special regulations requiring vaccination of all dogs, cats, livestock and other animals for rabies or any other disease, and may require the tagging of such animals in a manner to be prescribed by such regulations.

3. Certificate of Vaccination- Upon Vaccination, the Veterinarian administering the vaccine or the authorized person authorizing rabies vaccine, shall execute and furnish to the owner of the animal(s) as evidence thereof, a certificate, upon a form furnished by the Licensing Authority. The Veterinarian or administrator of a rabies vaccine shall file a vaccination certificate with IHS/ Office of Environmental Health. Such certificate shall contain the following information:

    a. The Name, address, and telephone number of the owner or harborer of the vaccinated animal;

    b. The Date of Inoculation;

    c. The type of vaccine used including the manufacturer and the serial (lot) number;

    d. The date of vaccination expires in the dog or cat;

    e. The year and serial number of the rabies tag; and

f. The breed, age color, size, and sex of the vaccinated animal.

4. Replacement Tags- In the event of loss or destruction of the original tag provided in Section 9-1-7 (3), the owner of the animal shall keep Certification of Vaccination and show proof upon request from Law Enforcement.

§ 9-1-8. At Large Dogs and Other Animals.

1. All dogs or other Animals within any town or city within the exterior boundaries of the Reservation, whether vaccinated or not as required herein, shall be required to be kept on the premises of the home or business of the person who owns or cares for the dog or other Animal and shall not be allowed outside such premises or allowed to run At Large except as specifically provided herein.

2. The Owner or person who cares for a dog on his premises may allow such dog outside of the premises of his home or business within town or city limits only upon the following conditions:

   a. The dog is restrained by a leash not longer than 10 feet in length and such restraint is sufficient to effectively prevent such dog from biting, molesting, or otherwise disturbing any other animal or person.

   b. The dog is securely kept on a chain or tie out, minimum of 3/16" (800 lbs. strength), and a fenced area/kennel around the animal, a minimum of 6 feet tall, if necessary, with a cover, if necessary, to prevent the escape of the animal, and a padlocked gate entry.

   c. Such dog is confined within a motor vehicle in a manner which prevents his escape from such vehicle, but which does not constitute a cruel restraint of its ability to breath or move.

§ 9-1-9. Quarantine of Dogs and Other Animals.

1. Any report of an Animal biting a human being shall be immediately investigated by Animal Control Officers. Any Animal reported to have bitten any person shall be quarantined for no less than ten (10) days and, even if vaccinated, shall not be released unless authorized by the Animal Control Officer.

2. During the period of quarantine, Animal Control shall work with the appropriate local Health Officer to determine if the Animal is suffering from a disease.

3. Impoundment costs during a period of quarantine shall be paid by the Owner pursuant to Section § 9-1-6(6).

4. An Animal which is found to be rabid shall be disposed of in accordance with Section § 9-1-10 of this Ordinance.

5. Animal Control Officers shall also have the authority to seize and quarantine any animal reasonably suspected of being infected with rabies, and to follow the quarantine provisions provided for in this Section.

§ 9-1-10. Disposal of Animals.

Disposal of any animal under this Code shall be accomplished by the most humane means possible under the circumstances and may be accomplished by an Animal Control Officer, licensed veterinarian, or designated employee of the U.S. Public Health Service.

§ 9-1-11. Liability of Owners — Scienter — Dogs Used in Law Enforcement.

Every person owning or keeping a dog shall be liable in damages for injury committed by such dog, and it shall not be necessary in any action brought therefor to allege or prove that such dog was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous; but neither the Tribe nor any peace officer employed by the Tribe shall be liable in damages for injury committed by a dog when: (1) The dog has been trained to assist in law enforcement, and (2) the injury occurs while the dog is reasonably and carefully being used in the apprehension, arrest, or location of a suspected offender or in maintaining or controlling the public order.

§ 9-1-12. Dogs Acting Together — Actions — Parties — Judgment.

Where any injury has been committed by three or more dogs acting together in a Dog Pack and such dogs are owned or kept by different persons, all such persons, may be joined as defendants in the same action to recover damages therefor, and the amount found by the court or jury as damages for such injury shall be apportioned among the several defendants found liable and judgment shall be entered severally against them for the amount so apportioned.

§ 9-1-13. Dangerous or Vicious Animals.

1. No person shall keep, own or possess any fierce, dangerous or Vicious Dog or other fierce, dangerous, or vicious animal on the Reservation. Pursuant to Tribal Ordinance 13-014, vicious dogs are banned from the Reservation.

2. An Animal Control Officer may seize and impound any animal which he reasonably believes to be fierce, dangerous or vicious. Such animal shall not be released from impoundment except upon the consent of the impounding officer, or upon order of a tribal judge upon making a determination, by hearing or otherwise, that no immediate danger to persons or property will result therefrom.

3. Any dog or other animal, whether vaccinated or not, reasonably believed to have bitten any person, shall be seized and impounded for such period of time as a public health officer or physician may direct, but no less than ten (10) days. A public health officer or physician having reasonable grounds to believe that a dog or other animal has rabies or some other dangerous disease may order the immediate extermination of such animal and such shall

be immediately carried out by the Animal Control Officer or some other person in a humane manner.

4. The Owner of any dog which bites, molests, mauls, or otherwise causes injury to any person or other Animal, whether intentional or unintentional, shall be liable.

5. Any person shall have the right to immediately destroy any dog or other animal engaged in the process of injuring or harassing livestock or other domestic or game animals or threatening or inflicting harm to any person or inflicting serious harm to personal or tribal property.

§ 9-1-14. Animals Which Disturb Neighborhood.

1. No person shall own, keep or harbor any dog or other animal which by loud, continued or frequent howling, yelping, or barking or by noxious or offensive odors shall unreasonably annoy, disturb, or endanger the health or welfare of any person or neighborhood. Any animal found to be causing a violation of this section may be seized and impounded.

2. The owner of a female dog, cat or other non-livestock animal in heat or when in season, shall cause such animal to be penned or enclosed in such a manner as to preclude other animals from attacking such female animal or being attracted to it.

3. No person shall own more than (3) dogs in a household on the Uintah and Ouray Reservation, unless given express permission to do so from the Ute Tribal Business Committee based on the circumstances.

4. No person shall keep more than one (1) dog or other animal in a Ute Indian Housing Authority housing unit in accordance with the Ute Indian Housing Authority Rules of Occupancy, Section 5.

§ 9-1-15. Disposal of Deceased Animals.

It shall be the responsibility of the Owner of the Animal or property owner to remove deceased animals from private residences.

§ 9-1-16. Offenses; Penalties

1. Offenses for Violation of the Animal Control Code.

    a. Failure to tag and/or vaccinate an animal as required by §9-1-7.

    b. Failure to keep dog on premises, allowing to run At Large or otherwise failing to restrain an animal as required by §9-1-8.

c. Keeping, owning, or possessing more than the allowable number of dogs or other Animals or allowing dogs or other Animals to create a disturbance to the neighborhood as prohibited by §9-1-14.

d. Keeping, owning or possessing a fierce, dangerous, or vicious animal as prohibited by §9-1-13.

e. Failure to dispose of deceased Animals as prohibited by § 9-1-15.

f. Violating the provisions of §9-1-14 regarding animals which disturb the neighborhood, attack, bite, molest, maul, or otherwise cause injury to any person or other Animal whether intentional or unintentional.

2. Other Offenses

a. Cruelty to Animals.

Any person who intentionally, recklessly, or negligently subjects any animal to cruel treatment shall be guilty of Cruelty to Animals. Cruelty to Animals shall include but not be limited to:

i. failure to provide an animal with sufficient food and water, proper shelter, and protection from whether, veterinary care when needed to prevent suffering, and withholding or otherwise failing to give humane care and treatment;

ii. beat, cruelly treat, torment, overwork or otherwise abuse an Animal;

iii. injures, destroys, or poisons an Animal, except under the conditions authorized in this Title;

iv. Leaves a dog, cat, or other small Animal unattended in a standing or parked vehicle in a manner that endangers the health or safety of the Animal. An Animal Control Officer or other law enforcement officer may use reasonable force to remove any such animal from the vehicle; any such officer shall not be held civilly or criminally liable for any damage caused by the reasonable removal of the animal from the motor vehicle;

v. Keeps any Animal in an enclosure which, because of special restrictions or due to the length of time kept in the enclosure, deprives the Animal of reasonable exercise or wholesome change of air;

vi. Purposely strikes an Animal with a vehicle. Should the operator of a motor vehicle strike an Animal, he or she shall immediately stop to render such assistance as may be possible, and shall immediately report such injury or death to the Animal's Owner and the appropriate law enforcement if the Owner cannot be quickly ascertained.

The Tribal Court shall require the automatic forfeiture of any Animal from an Owner who has been convicted of Cruelty to Animals.

b. Neglect of Animals.

Any person who neglects, by failure to feed, water, or provide shelter for any animal on the Reservation shall be Guilty of a Class B Misdemeanor.

c. Abandonment of Animals.

Any person who abandons any live animal on the Reservation by leaving the Animal without proper supervision for more than twenty-four hours without adequate food, water, or care shall be Guilty of a Class B Misdemeanor.

3. Penalties.

a. Upon conviction of a first offense for any violations of this Ordinance in which no injury occurs to a person or other animal, the violator may be fined a minimum of $50.00 up to the maximum fine of $ 2500.00 for each conviction.

b. A second or subsequent violation of this Ordinance for the same offense or any violation which results in injury to a human being or another animal shall be a Class C misdemeanor and shall be sentenced to a minimum of 30 days jail time and/or $1,000 fine and a maximum penalty of 6 months jail time and/or a $2500 fine.

c. The penalties provided for in this Ordinance supersede and replace any contrary penalties provided for in other Ordinances related to animal control, including but not limited to the Ordinance Banning Pit-Bull Terriers and Japanese Akitas from the Lands of the Uintah and Ouray Reservation, Utah, Ordinance 13-014.

d. Separate Offenses.

For purposes of this Ordinance, more than one Keeper may be separately cited for keeping the same dog at the same time, and a Keeper may be separately charged for each vicious dog kept.

§9-1-17. Defenses.

1. It shall be a defense to § 9-1-16(1)(b) of this Ordinance that an Owner's Animal escaped from an otherwise properly controlled environment on the Owner's premises. Proof of such escape may be made by showing that the owner had proper fencing and the Animal either dug holes or made other means of escape or that the Owner has posted, in at least one public place, notice that the Animal had escaped or gone missing. However, this defense is qualified in that an adverse inference may be made against an Owner who has repeatedly allowed their Animal to violate the aforementioned section and continued to assert this defense.

2. It shall be a defense to § 9-2-16(2)(a)(3) of this Ordinance that the manner employed in disposing of an animal was necessary and humane or that the Animal was a rodent,

including rats, mice, gophers, moles, or other wild animals not domesticated that were creating a nuisance to the Owner or his/her property.

§9-1-18 Miscellaneous.

1. Severability.

If any provision or provisions of this Ordinance shall be held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provision shall not in any way be affected or impaired thereby.

2. Effective Date.

All provisions of this Ordinance shall become effective immediately upon adoption by the Business Committee.

3. Headings.

All headings used herein are inserted only for convenience and ease of reference and are not to be considered in the construction or interpretation of any provisions of this Ordinance.

4. Sovereign Immunity

The Ute Indian Tribe, the Department, and Animal Control Officers Animal shall be immune from suit for all reasonable actions taken while performing the functions of their jobs and enforcing the provisions of this Ordinance.