

## **§ 2-911. Canine control act.**

- A. This subchapter may be referred to as the "Osage Nation Canine Control Act."
- B. This subchapter does not limit any Village Boards from adopting an ordinance to address the safety and welfare concerns caused by attacks on persons or domestic animals; placing further restrictions or additional requirements on owners of dogs that have bitten or attacked persons or domestic animals; or developing procedures and criteria for the implementation of this act; provided, that no such regulation is specific to breed and that the provisions of this act are not lessened by such additional regulations or requirements. ONCA 22-33, eff. Apr. 25, 2022.

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**The Osage Nation Code is current through Act 23-113, and legislation passed through October 2, 2023.**

Disclaimer: The Legislative Office has the official version of the Osage Nation Code. Users should contact the Legislative Counsel for laws passed subsequent to the law cited above.

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**§ 2-915. Unrestrained dangerous dog.**

A. Any dangerous dog or suspected dangerous dog shall be immediately confiscated by an animal control authority, or police officer of the Osage Nation, without a warrant, if:

1. The dog is not maintained in the proper enclosure;
2. The dog is outside the dwelling of the owner, outside the proper enclosure and not under physical restraint of the responsible person; or
3. The dog has caused physical injury to a person or an officer has probable cause to believe the dog to be a dangerous dog and the threat to the health, safety, and welfare of the public is of a continuing nature under the circumstances.

B. The animal control authority, or police officer of the Osage Nation, shall mail notice of the confiscation of the dog to the address provided on the dog's tag; or, if the dog does not have a tag, shall provide notice to Osage News, or local newspaper, to publish notice in the paper. ONCA 22-33, eff. Apr. 25, 2022.

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**§ 2-913. Failure to restrain or contain canine.**

- A. Any owner of any dangerous dog or aggressive dog that permits such dog to run at large or aggressively bite or attack any person while such person is lawfully upon public or private property commits the crime of failure to restrain or contain canine.
- B. Any person convicted of committing the criminal offense of failure to restrain or contain canine shall be guilty of a crime punishable by imprisonment in the Tribal Jail for not more than thirty (30) days, or by imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or both. In addition to said fine, imprisonment, or fine and imprisonment, the Court may also impose up to forty (40) hours of community service upon conviction.
- C. It shall be an affirmative defense to a prosecution pursuant to this subsection that the injury was sustained by a person who, at the time, was committing a willful criminal act upon the premises occupied by the owner of the animal or was assaulting the owner of the animal.
- D. If a dangerous dog is found unrestrained, the dangerous dog shall be immediately confiscated by an animal control authority; placed in quarantine for the proper length of time (if necessary); and following the quarantine or in lieu of quarantine, the dangerous dog shall be impounded and held for ten (10) business days after the owner is given written notification. Thereafter, the Court shall hold a hearing to determine the proper conditions for return of the dog or appropriate course of action. As ordered by the Osage Nation Tribal Court, the animal shall be returned to the owner, placed for adoption, or euthanized in an expeditious and humane manner. If the owner or owners' identity is known, the owner shall be provided notice of the date and time of the Court hearing. If the dog is returned to the owner or owners, the Court may impose conditions deemed necessary to ensure proper control of the dangerous dog.
- E. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal prior to the Court hearing and during any appeal procedure, and for all costs and other fees for humanely euthanizing the animal. If the owner files a written appeal in the Osage Nation Tribal Court, the dog must be held and may not be adopted or destroyed while the appeal is pending. ONCA 22-33, eff. Apr. 25, 2022.

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**§ 6-103. Prohibited acts with regard to certain animal facilities; penalties; exempted acts.**

A. No person shall, without the effective consent of the owner and with intent to damage the enterprise conducted at the animal facility:

1. Damage, destroy or remove an animal facility or any property or animal in or on an animal facility;
2. Acquire or otherwise exercise control over an animal facility, an animal or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property;
3. Enter an animal facility, not open to the public, with intent to commit an act prohibited by this section;
4. Enter an animal facility and commit or attempt to commit an act prohibited by this section;
5. Remain concealed in an animal facility, with intent to commit or attempt to commit an act prohibited by this section;
6. Enter or remain on an animal facility when the person has notice that entry is forbidden by any of the following:
  - a. Written or oral communication with the owner or a person with apparent authority to act for the owner;
  - b. Fencing or other enclosure obviously designed to exclude intruders or contain animals; or
  - c. A sign or signs posted on the property or at the entrance to the building, indicating that unauthorized entry is forbidden; and
7. Release any animal or animals, with intent to deprive the owner of such animal or animal facility.

B. A violation of any of the provisions in subsections (A)(1) through (A)(7) of this section shall be a misdemeanor, upon conviction, punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), with full restitution to be paid for any damage to the property, for replacement of any animals released, and for out-of-pocket expenses incurred as a result of any violation, or by imprisonment in the Tribal Jail for a term not to exceed one year, or by both such fine and imprisonment.

C. The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their respective duties under the law or be construed to conflict with any provision of the Osage Nation Code. ONCA 13-29, eff. Apr. 23, 2013.

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