

BUREAU OF INDIAN AFFAIRS
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MICHIGAN AGENCY

BAY MILLS INDIAN COMMUNITY

AN ORDINANCE REGULATING THE OWNERSHIP OF WOLF HYBRID ANIMALS

Section 1. Purpose.

The purpose of this ordinance is to regulate the ownership and possession of wolf hybrid animals on the Reservation of the Bay Mills Indian Community in order to protect the health, safety and welfare of persons residing on or visiting the Reservation and the safety of their property.

Section 2. Definitions.

a. **Wolf hybrid** means a crossbreed resulting from the breeding of a wolf with a dog, or a crossbreed resulting from the breeding of two (2) wolf hybrids, or that is represented by the owner, whether by advertisement, registration papers, sworn statements or another other method, as a wolf-dog crossbreed or a descendant of a wolf-dog crossbreed.

b. **Person** means an individual, partnership, corporation, association or other legal entity.

c. **Reservation** means lands held in trust by the United States Department of the Interior for the benefit of the Bay Mills Indian Community, and lands hereafter acquired for the benefit of the Bay Mills Indian Community.

Section 3. Possession of Wolf Hybrid Animals Restricted.

No person shall engage in any of the following activities on the Reservation of the Bay Mills Indian Community:

a. Possess a wolf hybrid animal, except in compliance with this ordinance.

b. Make or receive, or attempt to make or receive, a conveyance of ownership of a wolf hybrid animal unless the person exporting such animal off the Reservation does so in compliance with Michigan law.

c. Breed a wolf hybrid animal.

Section 4. Requirements for Legal Possession of Wolf Hybrid Animals; Permit.

a. **Acquisition prohibited.** A person shall not possess a wolf hybrid animal unless the person was in possession of that individual animal on the date that this ordinance is effective, and obtains a permit.

b. **Permit required.** A permit shall be requested by a person possessing a wolf hybrid animal within 90 days of adoption of this ordinance. The permit request applies only to the individual animals listed thereon, and is nontransferable. Permit requests shall be submitted to the Law Enforcement Department of the Bay Mills Indian Community, and shall not be granted unless all the requirements of subsec. (c) and (e) of this section are met by the applicant.

c. **Contents of permit application.** An application for a permit shall include all the following:

1. A nonrefundable permit fee of \$75.00.
2. A description of the number and type of wolf hybrid animals possessed by the applicant, a description of the property where the animal is to be kept, and a detailed description of each animal possessed by the applicant.
3. A scale diagram of the property where the animal will be kept, including the location of any residence on the property, and a detailed description of the cage/pen for each animal.
4. A notarized statement from the applicant that:
 - i. The applicant is at least 21 years of age;
 - ii. The applicant has not been convicted of violating federal, tribal or Michigan criminal law within the previous five (5) years.
 - iii. The name and address of the veterinarian who will provide care to the animal(s).
5. Documentation that each animal has been sexually sterilized by a veterinarian.
6. Documentation that the applicant has liability insurance coverage for each wolf hybrid animal for which a permit is required.

d. **Permit contents.** Any permit issued under this ordinance by the Law Enforcement Department shall include the following information:

1. The name and address of the person in possession of the wolf hybrid animal, the address

where the animal will be kept, if different, and the number and type of animal possessed by the person, identified separately.

2. The date the permit is issued.

3. The permit expiration date.

e. **Permit annually renewed.** Each permit issued under this ordinance shall be renewed on an annual basis, subject to the reapplication by the permittee, which shall contain all the information and fees required in subsec (c), above.

Section 5. Care and Control of Wolf Hybrid Animals.

A person in possession of a wolf hybrid animal shall ensure all of the following, subject to monitoring by the Law Enforcement Department:

a. That the animal is under adult supervision and control so as to prevent injury to any human or other animal.

b. That the animal is never tethered outdoors or transported outside of a travel cage, but is constantly kept in a facility which meets all of the following requirements:

1. It is sufficiently secure to prevent the animal's escape and protect the animal from injury.

2. It has a floor area of at least 900 square feet.

3. It has walls extending at least 3 feet below ground, and at least 8 feet above ground with an inward overhang of at least 3 feet.

4. It is constructed of cement block, brick, concrete, chain link fence, wire or bars of a suitable thickness, gauge, or diameter to prevent the animal's escape and protect it from injury.

5. It has a double-gated safety entrance with lock.

6. It is enclosed with a secondary fence located at least 3 feet outside the walls of the facility and adequate to prevent a human being from coming into contact with the animal.

7. It is maintained in such a manner that the animal is kept in a sanitary and safe condition.

c. That the animal shall have an identification number placed on the animal by a veterinarian, which shall be obtained by the veterinarian from the Michigan Department of Agriculture. The number shall be placed on the animal by marking the animal with indelible ink on the animal's inner left thigh or by subcutaneously injecting the animal with a microchip on which the number is stored.

d. That the animal is vaccinated for rabies, distemper, and parvovirus, on the schedule recommended by the national association of state public health veterinarians. Documentation of such vaccinations shall be maintained by the owner and available for inspection upon demand by the Law Enforcement Department.

Section 6. Law Enforcement Supervision of Owner Care and Control of a Wolf Hybrid Animal.

a. ***Animal bite.*** If a wolf hybrid animal bites a human, livestock or a domestic animal, the wolf hybrid animal shall be immediately taken into custody and humanely euthanized. The animal's brain shall be tested for the presence of the rabies virus or antigen in the manner established by Michigan law. Immediate euthanization is not required if all vaccinations required by subsec. 5(d) are current and documentation of this fact is immediately documented. In such event, the animal shall be placed in a facility authorized by Michigan law until such time as the Tribal Court shall hold a hearing to determine whether the animal in custody has been vaccinated against rabies with a vaccine demonstrated to be effective for that species.

b. ***Possession without permit.*** Any wolf hybrid animal which is possessed without the permit required by this ordinance shall be immediately confiscated and disposed of, at the owner's expense, as directed by the Tribal Court of the Bay Mills Indian Community.

c. ***Possession in violation of permit conditions.*** If a animal under a permit issued by the Law Enforcement Department is found to be maintained in a manner which violates Section 5 of this Ordinance, or the terms and conditions of the permit, written notification of the violation shall be immediately provided to the permit holder. Any noted violation shall be corrected within 30 days of receipt of the notice. In the alternative, the permit-holder may transfer possession within said 30 days to a person authorized by Michigan

law to care for such an animal and shall notify the Department of such transfer, including written documentation that such occurred. In the event that the violation is not corrected or the animal is not transferred within the 30-day period, a citation shall be issued and the animal shall be confiscated and disposed of, at the owner's expense, as directed by the Tribal Court of the Bay Mills Indian Community.

d. **Power of entry, inspection, and confiscation.** Any location where a wolf hybrid animal is kept is subject to entry and inspection at reasonable hours by the Law Enforcement Department. An animal which has caused any injury to person, property or another animal, or which is maintained in violation of this ordinance, is subject to confiscation without prior court order. The animal shall be placed in a nature preserve, wildlife sanctuary, animal protection shelter, or an accredited zoo, as appropriate to its species and condition, pending disposition order by the Bay Mills Indian Community Tribal Court.

e. **Tribal Court order for disposition.** The Tribal Court, upon filing by Law Enforcement Department personnel of a notice of confiscation, shall issue an order to show ~~cause why the animal should not be humanely~~ euthanized, securely confined, sexually sterilized or forfeited with revocation of any permit previously issued. The Court may issue any of the above dispositions, upon its determination, after an evidentiary hearing, that the provisions of this ordinance have been violated and that the owner has not cured the violation.

f. **Penalties for violation of this ordinance.** In addition to the provisions for disposition of the animal described in subsec. (e), the following apply:

1. A person who violates this ordinance is subject to a civil remedial forfeiture of not less than \$500, and not more than \$5,000.
2. The court may require the payment of restitution to the Law Enforcement Department of any costs incurred for the care of, relocation or euthanization of any confiscated animal.
3. Any person held responsible for a violation of this ordinance shall be prohibited from possessing any animal subject to permit by this ordinance for a period of five (5) years.
4. A second or subsequent violation of this ordinance shall be a misdemeanor, subjecting the

violator to imprisonment of not more than 90 days and a fine of not more than \$2,000 for each violation.

Section 7. Civil Liability.

a. **Liability for injury.** The owner or a person in possession of a wolf hybrid animal is civilly liable for the death of or injury to any animal or human, or for property damage caused by a wolf hybrid animal, whether or not the person possesses a permit.

b. **Liability for recapture.** If a wolf hybrid animal escapes or is released, intentionally or unintentionally, the owner shall immediately contact the Law Enforcement Department and report the escape or release. The owner is financially liable for all expenses associated with efforts to recapture the animal that is released or escapes.

c. **Self-defense immunity.** A person who witnesses a wolf hybrid animal attack on any animal or human, or who reasonably believes such an attack is about to occur, may capture, repel, disable, or kill the wolf hybrid animal. A person is immune from civil or criminal liability for action authorized by this subsection.

CERTIFICATION

This is to certify that the above ordinance was adopted at a meeting of the Bay Mills Indian Community General Tribal Council held at Bay Mills, Michigan on September 28, 1998 by a unanimous vote.



Andrew LeBlanc, Secretary
Bay Mills Indian Community
Executive Council

Under Article VI, Section 4 of the Constitution and By-laws of the Bay Mills Indian Community this ordinance regulating the ownership of wolf hybrid animals is approved effective this date.



Melanie L. Vanderlooven
ACTING Superintendent

Date: NOV 04 1998

Wolf Hybrid Control Ordinance