

SKOKOMISH ANIMAL CONTROL ORDINANCE

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GENERAL PROVISIONS

6.09.001 Title

This Ordinance shall be known as the Skokomish Animal Control Ordinance.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.002 Authority and Declaration of Policy

Article V, Section 1(j) of the Constitution of the Skokomish Indian Tribe empowers the Skokomish Tribal Council to “enact laws and Ordinances governing the conduct of individuals and defining offenses against the Tribe; to maintain order and to protect the safety and welfare of all persons within the Skokomish Tribe’s jurisdiction; and to provide for the enforcement of laws and Ordinances of the Skokomish Tribe.” It is the intent of this Ordinance to maintain order and protect the safety and welfare of all persons on the Skokomish Indian Reservation and to provide procedures for enforcement through the Skokomish Indian Tribe Department of Public Safety.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.003 Jurisdiction

The Skokomish Tribal Court shall have jurisdiction over cases arising under this Ordinance. The jurisdiction of the Tribal Court is limited only by the Constitution of the Skokomish Indian Tribe, the Rules of the Skokomish Tribal Court (S.T.C. 3.01, et seq.), and federal law.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.004 Liberal Construction

This Ordinance shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.005 Severability

If any provision of this Ordinance, or its application to any person, legal entity or circumstance, is held invalid, the remainder of the Ordinance, or the application of the provision to other persons, legal entities, or circumstance, shall not be effected.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.006 Repealer

This Ordinance supersedes and replaces any conflicting provisions of any and all prior Animal control laws, codes, Ordinances, or regulations of the Skokomish Indian Tribe.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.007 Definitions

If a term is not defined in this section, it shall be given its ordinary meaning, unless otherwise defined in this Ordinance. Terms used in this Ordinance shall have the following meaning, except where the context indicates otherwise:

- (a) Animal: is a mammal, reptile, amphibian or bird kept by a Keeper as a pet. An Animal may be a dog, cat, bird or such other Animal as are commonly kept as pets. For purposes of this Ordinance, the term "Animal" may be used synonymously with "dog".
- (b) At Large: present at a privately owned place that is not owned or occupied by the owner or Keeper of the Animal at issue, or at any public place, unless permission for the Animal to be present has been obtained from the person who owns or controls the property.
- (c) Confinement: keeping the Animals indoors or in an Enclosure which prevents the Animal's escape or contact with other Animals.
- (d) Cruelty: physical injury inflicted by other than accidental means which causes or creates a substantial risk of death, disability, disfigurement or impairment of bodily functions or acts which are generally accepted by the Tribal community to be cruel or inhumane.
- (e) Dangerous Animal: any Animal which, without provocation, bites or attacks, or attempts to bite or attack, a person or another Animal more than once.
- (f) Department: the Skokomish Department of Public Safety.
- (g) Director: the Director of the Skokomish Department of Public Safety.
- (h) Enclosure: a securely enclosed or locked pen or structure, suitable to prevent the Animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the Animal.
- (i) Euthanasia: the humane destruction of an Animal by a method that produces instantaneous unconsciousness and immediate death or painless loss of consciousness and death during such loss of consciousness.
- (j) Guard Dog: adult dog that has been trained to protect persons or property through the exhibition of hostility and aggressiveness to persons who might be perceived to threaten the persons or property under the dog's care.

- (k) Keeper: any person in possession of any Animal or responsible for the custody or control of any Animal.
- (l) Neglected: not receiving the food, water, shelter, medical care, exercise or supervision needed for the welfare of the Animal at issue.
- (m) Premises: a building and the area of land surrounding the building which forms an actual or constructive enclosure with the building to which the owner of the Animal at issue has a legal or equitable right. Automobiles, trucks, or farm wagons owned or under the control of the owner or Keeper of the Animal at issue are also "Premises."
- (n) Public Emergency: any circumstances under which the Skokomish Department of Public Safety, the Skokomish Health Department, the Skokomish Department of Natural Resources, or the Skokomish Department of Fisheries find warrant the Restraint or Confinement of Animals within the Tribe's jurisdiction.
- (o) Reservation. Everything located within the external boundaries of the Reservation of the Skokomish Indian Tribe.
- (p) Restraint: securely leashed or confined by a secure fence or enclosure within Premises or leashed under the control of a person of suitable age and ability off-Premises.
- (q) Tribe: the Skokomish Indian Tribe.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

ADMINISTRATION AND ENFORCEMENT

6.09.010 Tribal Law Enforcement

Administration and enforcement of this Ordinance shall be the responsibility of the Department, which, as necessary to carrying out its responsibilities under this Ordinance, shall have the authority to:

- (a) contract with, operate or cause to be operated Animal shelters and/or dog pounds;
- (b) contract with, select, train, hire or retain Animal control officers to enforce the provisions of this Ordinance;
- (c) investigate complaints of Animal delinquency within the Tribe's jurisdiction;
- (d) issue citations for violations of this Ordinance; and

- (e) subject to the limits imposed by this Ordinance, whether explicit or implied, take, confine or impound, and destroy Animals found in violation of this Ordinance.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.011 Delegation of Authority

As necessary to carrying out its responsibilities under this Ordinance, the Department may:

- (a) with the approval of the Tribal Council, which may delegate its approval authority to the Tribal Manager, delegate all or part of its responsibilities to competent agencies and officers of federal, state, local, and other tribal governments or to private persons and organizations;
- (b) with the approval of the Tribal Council, which may delegate its approval authority to the Tribal Manager, negotiate contracts or agreements with said agencies, officers, persons, and organizations, or their facilities, whether within or outside the Tribe's Reservation;
- (c) deputize persons over the age of eighteen (18) years for the purpose of enforcing Animal control regulations.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.012 Impoundment

- (a) Animals may be impounded in the following situations:
 - (1) when the Animal is unleashed, and/or un-identified and off the Premises, of its owner or Keeper and a violation of this Ordinance has been committed; and/or
 - (2) when the Animal has been subjected to Cruelty or Neglect; and/or
 - (3) when the Animal has been determined to be a Dangerous Animal pursuant to this Ordinance.
- (b) Animals shall be impounded in a place and manner designated by the Director.
- (c) Following impoundment, the Director or his authorized agent shall notify the owner in person or Keeper of the Animal of its impoundment; if the owner or Keeper of the Animal is unknown, reasonable efforts to ascertain and/or notify the owner or Keeper of the impoundment will be made.
- (d) When the Department has knowledge that an Animal is not being quarantined as required by section 6.09.031 of this Ordinance, the Department shall pick up the Animal and impound it for the quarantine period.

6.09.013 Authorized Dog “Round-Up”

The Department is authorized to periodically conduct a “round-up” of any and all dogs that are roaming or running At Large. This authority is granted in addition to the authority to take individual Animals into custody under this Ordinance. Prior notice to the Tribal community shall be prominently posted prior to round-ups. Instructions for re-claiming Animals shall be posted immediately after round-ups.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.014 Redemption of Animals

- (a) Animals other than livestock and quarantined Animals that have been impounded by the Department may be redeemed upon payment of the costs of impound.
- (b) Livestock may be redeemed upon payment of the costs of impoundment and boarding, and if impounding requires special transportation, the cost of such special transportation.
- (c) If an Animal has been quarantined by the Department, the owner or Keeper of the Animal may redeem it after the quarantine period, if the Animal shows no signs of rabies or other contagious disease for which quarantine is required, for the cost of quarantining the Animal.

6.09.015 Disposition of Animals not Redeemed

- (a) When an Animal other than livestock is not redeemed sooner than forty-eight hours (48) following impoundment, the Director or his authorized agent may give or sell the Animal to a suitable person, euthanize or otherwise dispose of the Animal. “Suitable person” means a person or agency who satisfies the Department that the Animal will be provided for in a manner appropriate to its character, whether kept as a pet or companion by a person or persons with the ability to provide for its care, re-introduced into the wild in accordance with scientifically sound procedures, or where the Animal is not suitable as a pet or companion and cannot be safely re-introduced into the wild, humanely maintained for display or study by an agency equipped for that purpose. Under no circumstances shall an impounded Animal be given or sold for medical, scientific, product testing or other experimentation.
- (b) When livestock is not redeemed sooner than seven (7) days following impoundment, the Director or his authorized agent may commence to sell the Animal at public auction. Notice of the auction and a description of the livestock to be auctioned shall be published at least five (5) days prior to the sale in an official county or tribal newspaper. Such notice shall also be mailed to the owner of the livestock if known. Costs of publication and mailing, costs of sale, and costs described in S.T.C. 6.09.014(b) shall be deducted from the proceeds of the sale. The balance shall be remitted to the owner, if known. Otherwise, the balance of the proceeds shall be deposited into an account to be used for the administration and enforcement of this Ordinance.

- (c) Sick or injured Animals may be euthanized or disposed in accordance with S.T.C. 6.09.015(a) prior to the expiration of the redemption period if, in the informed opinion of the Director, such action is necessary for the protection of the public health or to prevent unnecessary suffering. The Director shall consult with qualified medical, public health, or veterinary personnel prior to giving his opinion that such action is necessary. When reasonably possible, the owner or Keeper of the Animal shall be notified and provided with an expedited opportunity to appeal the Director's decision prior to any such disposition.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.016 Abandonment of Animals

Any owner or Keeper entitled to regain custody of an Animal pursuant to the provisions of this Ordinance who fails to do so in the time provided, shall have abandoned all legal rights and interests in the Animal.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.017 Public Emergency

The Department may require that Animal owners or Keepers confine their Animals within the Premises of their owners or Keepers during a Public Emergency requiring such Confinement. The Department shall make reasonable efforts to notify Animal owners and Keepers that a Public Emergency has been declared.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

ANIMAL CONTROL

6.09.030 Responsibility for Animals

Any person who is an owner or Keeper of any Animal shall be responsible for:

- (a) Damage to persons or property caused by the Animal;
- (b) Providing proper medical care (including vaccinations), food, water, supervision and care;
- (c) Preventing the Animal from unreasonably annoying or disturbing others through frequent or habitual barking, howling, yelping or crying;
- (d) Preventing the Animal from interfering with pedestrians or chasing vehicles;
- (e) Preventing the Animal from getting into other people's garbage or scattering garbage; and
- (f) Maintaining control of the Animal when off the Premises of its owner or Keeper.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.031 Quarantine

- (a) Animals will be quarantined under the following conditions:
 - (1) for a period of not less than ten (10) days when the Animal has bitten someone severely enough to break the skin. If the Animal dies or exhibits symptoms of rabies, other illness, or other unusual behavior while quarantined, the owner or Keeper shall notify the Department and the Skokomish Health Department; and
 - (2) until such time as a veterinarian certifies that the Animal is no longer capable of transmitting the disease when the Animal has been diagnosed with a contagious disease.
- (b) The owner or Keeper of an Animal subject to quarantine shall keep the Animal in an Enclosure for the quarantine period. The Animal shall be securely confined in an Enclosure on the Premises of its owner or Keeper, and kept separate from other Animals. The Animal shall be Enclosed so as to prevent contact with persons lawfully on the Premises of its owner or Keeper, including all children.
- (c) The owner or Keeper of a quarantined Animal shall not sell, give away or permit the Animal to be removed from the Premises of the owner or Keeper without written permission of the Director during the quarantine period. The owner or Keeper of an Animal who has bitten someone shall not kill the Animal during the quarantine period. If the owner or Keeper of a quarantined Animal is unable to control the Animal or maintain the Animal in Confinement, s/he shall notify the Department, which shall pick up the Animal.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.032 Dogs Running At Large

It shall be unlawful for the owner or Keeper of a dog to allow it to run At Large within the boundaries of the Reservation.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.033 Mandatory Leashing

All dogs shall be physically restrained by means of a leash not more than ten (10) feet in length when not on the property of the owner or Keeper. A dog may be unleashed on the property of its owner or Keeper only if the property is enclosed by a secure fence of sufficient strength and dimensions to prevent the dog's escape, or supervised by a person ten (10) years of age or older who is able to maintain control of the dog and who is in fact in control of the dog.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.034 Dogs in Heat

The Keeper or owner of a female dog shall keep it in Confinement when it is in heat.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.035 Dangerous Animals

It shall be unlawful to own or keep a Dangerous Animal unless the Animal is securely confined on the Premises of its owner or Keeper or muzzled, leashed, and in the custody and control of a person sixteen years of age or older who is physically able to restrain and control the Animal.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.036 Diseased Animals

It shall be unlawful to sell an Animal that the seller knows, or reasonably should know, is diseased.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.037 Animal Identification Required

The Keeper or owner of any dog or cat shall be required to have identified such Animal as belonging to them by placing a collar with an identifying tag stating the owner or Keeper's name, and current contact information. Any dog or cat found not to be wearing such identification will be considered At Large.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

CIVIL INFRACTIONS

6.09.050 Infraction Penalties

The penalty for any infraction specified in this chapter shall be fifty dollars (\$50.00) for the first cited violation, seventy-five dollars (\$75.00) for the second cited violation committed within one year of the first, and one hundred dollars (\$100.00) for the third and all subsequent cited violations committed within one year of the first. Every day in which a person is in violation of this Ordinance shall constitute a separate and distinct infraction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.051 Failure to Provide Care

Any owner or Keeper of an Animal who fails to provide the Animal with proper medical care (including necessary vaccinations), food, water, supervision and care has committed a civil infraction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.052 Failure to Prevent Damage

Any owner or Keeper of an Animal who fails to prevent damage to persons or property caused by the Animal has committed a civil infraction. It is a defense to liability under this section if the injured party provoked the Animal or was unlawfully in or on another's property, including but not limited to the property of the owner or Keeper, or was committing an unlawful act which contributed to the injury; provided, however, that this defense is not available if the injured person is a child ten (10) years of age or younger.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.053 Failure to Prevent Nuisance

Any owner or Keeper of an Animal has committed a civil infraction when he or she fails to prevent the Animal from:

- (a) unreasonably annoying or disturbing others through frequent or habitual barking, howling, yelping or crying;
- (b) interfering with pedestrians or chasing vehicles; or
- (c) getting into other people's garbage or scattering garbage.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.054 Failure to Leash

Any owner or Keeper of a dog who fails to maintain the dog on a leash when off the Premises of its owner or Keeper as required by S.T.C. 6.09.033 has committed a civil infraction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.055 Failure to Confine a Dog in Heat

Any owner or Keeper of a female dog who fails to confine the dog when in heat has committed a civil infraction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.056 Failure to Quarantine an Animal

Any owner or Keeper of an Animal who fails to quarantine the Animal as required by S.T.C. 6.09.031 has committed a civil infraction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.057 Failure to Confine an Animal During a Public Emergency

Any owner or Keeper of an Animal who fails to confine the Animal when he or she knows, or reasonably should know, that a Public Emergency requiring the Animal's Confinement has been declared has committed a civil infraction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.058 Harboring a Dangerous Animal

Any person who owns or keeps a Dangerous Animal except as provided in S.T.C. 6.09.035 has committed a civil infraction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.059 Selling a Diseased Animal

Any person who sells an Animal that s/he knows, or reasonably should know, is diseased has committed a civil infraction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.060 Failure to Identify Animal

Any person who owns or keeps a dog or cat, and fails to identify ownership of the Animal as provided in S.T.C. 6.09.037 has committed a civil infraction.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

ENFORCEMENT PROCEDURES

6.09.070 Power of Enforcement

Any person authorized to enforce this Ordinance shall issue a notice of violation:

- (a) when a violation of this Ordinance occurs in the enforcement authority's presence; or,
- (b) when the enforcement authority investigating a report of a violation of this Ordinance finds probable cause to believe that a violation has been occurred.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.071 Notice of Violation

The Tribe, through its enforcement authorities, shall give a written notice to anyone who violates this Ordinance. The notice of violation shall:

- (a) specify the nature of the violation, the location of the violation, the date and time of the violation (or the date and time when the violation was discovered), and the section(s) of this Ordinance that were violated;

- (b) set a date for hearing before the Skokomish Tribal Court, which shall be no sooner than ten (10) days after service of the notice;
- (c) specify the amount of the fine which may be paid by the violator to the Court in order to avoid a Court hearing;
- (d) notify the violator that if the violator does not pay the amount of the fine and does not appear before the Tribal Court on the date set for hearing, the court may declare the defendant to be in default and award any appropriate relief as provided by this Ordinance.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.072 Service of Notice

The notice of violation shall be served upon the defendant in the following manner:

- (a) by delivering a copy personally to the defendant or the defendant's authorized representative, or to any member of the defendant's family residing with the defendant who is eighteen (18) years of age or older; or
- (b) by delivering a copy to the defendant's place of business and leaving it with a secretary or other person authorized to accept service.
- (c) if, after reasonable effort is made, the defendant cannot be personally served, service may be made by sending a copy of the notice to the defendant's last known address by certified mail, return receipt requested, and sending an additional copy by regular mail.

A certificate of service filed with the Skokomish Tribal Court shall constitute proof of service of the notice of violation. If service is made in the manner described in subsection (c) of this section, the certificate must describe the efforts that were made to personally serve the defendant.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.073 Procedure

- (a) Rules of Skokomish Tribal Court to Apply. Hearings on civil infractions under this Ordinance shall conform to the applicable Rules of the Skokomish Tribal Court, S.T.C. 3.01, in particular the Rules of Civil Procedure, except as inconsistent with this Ordinance.
- (b) No Right to Jury Trial. There is no right to a jury trial in proceedings held pursuant to this Ordinance. The Court, sitting without a jury, shall hear and decide such proceedings.

(c) Appeals. Any party may appeal any final order under this Ordinance. All appeals shall be governed by the applicable Rules of the Skokomish Tribal Court, S.T.C. 3.01, in particular the Rules of Appellate Procedure.

(d) Power of the Court.

- (1) If the Court finds by a preponderance of the evidence that a violation of this Ordinance has been committed, it may require the violator to pay a civil penalty in an amount not to exceed the maximum penalty allowed for the infraction. The Court may suspend any fine or a portion thereof on the condition that the owner or Keeper comply with the Court's order. The Court may also reduce any fine imposed if the Animal's owner or Keeper proves to the Court that the violation has been corrected (for example, the dog's vaccinations have been brought up to date).
- (2) If the Court finds by a preponderance of the evidence that a violation of this Ordinance has been committed and that it is likely that the owner or Keeper of the Animal will not provide proper care and supervision for the Animal so as to prevent further violations of this Ordinance, the Court may order the Department to remove the Animal from the owner or Keeper and dispose of it in accordance with this Ordinance.
- (3) Upon a showing of financial hardship, the Court may sentence a violator to perform community service hours in lieu of payment of a fine. Each hour of community service shall reduce the fine by the amount of federal minimum wage at the time of sentencing. Adequate supervision must be available before community service hours are imposed.
- (4) In addition to the civil penalties imposed under this Ordinance, the Court may order the owner or Keeper of an Animal to pay any actual damages for injury to the person, property or resources of any person. It shall be a defense to liability under this section if the injured party provoked the Animal, or was unlawfully in or on another's property, including but not limited to the property of the owner or Keeper, or was committing an unlawful act which contributed to the injury; provided, however, that this defense is not available if the injured person is a child ten (10) years of age or younger. If a child 10 years of age or younger is the injured party, liability may be apportioned between the Animal's owner or Keeper and the child's parent or guardian if the parent or guardian knew, or should have known, of the risk that the child might be injured by the Animal but failed to take reasonable steps to protect the child.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.074 Failure to Pay Fine

Any person who fails to pay any fine assessed by the Court within thirty (30) days after the fine has been assessed and who fails to make other arrangements with the Court regarding payment of the fine, shall owe, in addition to the fine imposed, ten dollars (\$10.00) for each thirty (30) day period that the fine is overdue.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.075 Disposition of Funds

Civil penalties collected by the Court, which are in excess of court costs, shall be placed into an account to be used for the administration and enforcement of this Ordinance. Use of the funds for such purposes may be made by the Skokomish Tribal Council upon recommendation from Law Enforcement.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

6.09.076 Private Causes of Action

Nothing in this Ordinance shall prevent a person from bringing a private cause of action for damages to his or her person or property caused by an Animal.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

Legislative History prior to July 5, 2017

Adopted by Resolution No. 05-54 (May 11, 2005)
+Amended by Resolution No. 09-06 (January 21, 2009)
Reaffirmed by Resolution No. 17-100 (July 5, 2017)

+Ordinance and/or amendments not attached to the resolution in the Skokomish Tribal Archives