

TITLE 13

HEALTH AND SAFETY

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TITLE 13

HEALTH AND SAFETY

Chapter 13.01 Regulation of Fireworks

13.01.01 Purpose

The purpose of this chapter is to insure the health, safety, and general welfare of the residents of the Port Gamble S'Klallam Reservation by providing for the safe and orderly use of fireworks within the Port Gamble S'Klallam Reservation.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78. Formerly, "Port Gamble S'Klallam Tribal Fireworks Ordinance", this chapter was renumbered and slight changes in working made to facilitate codification.]

13.01.02 Definitions

Words in this chapter shall have the meaning given to them in this section unless the context clearly indicates another meaning. If the meaning of a word is not clear, the Community Court shall construe the meaning of the word in harmony with the purpose of this chapter.

- a) "Tribe" means the Port Gamble S'Klallam Tribe.
- b) "Fireworks" refers to any device containing any combustible or explosive substance for the purpose of producing a visible or audible display of combustion, explosion, deflagration or detonation, but not including any firearms.
- c) "Person" includes any private or government entity, corporation, partnership, organization, group, or association.

[HIST: Source Resolution No. 78 A 29, passed 6/13/78.]

13.01.03 Applicable Regulations

No fireworks shall be transported, possessed, discharged, offered for sale or sold on the Port Gamble S'Klallam Indian Reservation unless they conform to the regulations regarding fireworks of the U.S. Consumer Products Safety Commission found in Title 16 of the Code of Federal Regulations, Parts 1500 and 1507, as may be amended from time to time. These regulations are incorporated by reference as tribal law and for convenience are set forth in this chapter. The provisions of this chapter shall be construed so as not to conflict with the federal regulations. In case of discrepancy between this chapter and the federal regulations, the latter shall govern.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.04 Sale of Fireworks - Exclusively Reserved to the Tribe

It shall be unlawful for any person or entity other than the Port Gamble S'Klallam Tribe and its authorized representatives to sell or offer for sale fireworks of any kind within the Port Gamble S'Klallam Indian Reservation.

[HIST: Resolution No. 78 A 29, passed 6/13/78.]

13.01.05 Sale of Fireworks - Certificates of Authorization

All persons authorized by the Port Gamble S'Klallam Tribal Council to sell fireworks for the Port Gamble S'Klallam Tribal Council to sell fireworks for the Port Gamble S'Klallam Tribe shall have in their possession while selling fireworks a certificate of authorization. The certificate of authorization shall bear the person's name, the place at which the person is authorized to sell, the period for which the authorization is valid and shall be signed by the Tribal Chairman.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.06 Prohibited Fireworks

It shall be unlawful for any person to transport, possess, discharge, sell or offer for sale within the Port Gamble S'Klallam Reservation any of the following:

- a) Fireworks devices intended to produce audible effects (including but not limited to cherry bombs, M-80 salutes, silver salutes, and other large firecrackers, aerial bombs, and other fireworks designed to produce audible effects, and including kits and components intended to produce such fireworks) if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition; except that this provision shall not apply to fireworks devices which meet the following conditions:
 - 1) Fireworks devices distributed to farmers, ranchers, or growers through a wildlife management program administered by the United States Department of Interior or by an equivalent state or local government agency; and
 - 2) The distribution is in response to a written application describing the wildlife management problem that requires the use of the devices, is of a quantity no greater than required to control the problem described, and is where other means of control are unavailable or inadequate.
- b) Firecrackers designed to produce audible effects, if the audible effect is produced by a charge of more than 50 milligrams (.772 grains) of pyrotechnic composition (not including firecrackers included as components of a rocket), aerial bombs, and devices that may be confused with candy or other foods, such as "dragon eggs", and "cracker balls"

(also known as “ball-type caps”), and including kits and components intended to produce these fireworks except devices which meet all of the conditions described in sections 13.01.06 (a) (1) and 13.01.06 (a) (2) of this chapter.

- c) All fireworks devices, other than firecrackers, including kits and components intended to produce these fireworks, not otherwise banned under this chapter that do not comply with the requirements of 16 Code of Federal Regulations Part 1507, except fireworks devices which meet all of the conditions described in sections 13.01.06 (a) (1) and 13.01.06 (a) (2) of this chapter.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.07 Prohibited Chemicals

It shall be unlawful for any person to transport, possess, discharge, sell or offer for sale within the Port Gamble S’Klallam Indian Reservation any fireworks which contain any of the following chemicals:

- a) Arsenic sulfide, arsenates, or arsenites;
- b) Boron;
- c) Chlorates, except chlorates in colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included, chlorates in caps and party poppers, and chlorates in small items (such as ground spinners) where the total powder content does not exceed 4 grams and no more than 15 percent (or 600 milligrams) of the powder is potassium chlorate, sodium chlorate or barium chlorate;
- d) Gallates or gallic acid;
- e) Magnesium, except magnesium / aluminum alloys call magnalium are permitted;
- f) Mercury salts;
- g) Red or white phosphorus, except red phosphorus in caps and party poppers is permitted;
- h) Picrates or picric acid;
- i) Thiocyanates, and
- j) Titanium, except in particles size greater than 100-mesh.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.08 Permitted Fireworks - Requirements

It shall be unlawful for any person to transport, possess, discharge, sell or offer for sale within the Port Gamble S'Klallam Indian Reservation any fireworks which do not comply with any of the requirements set forth in section 13.01.09 through 13.01.18.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.09 Fuses

Fireworks devices that require a fuse shall:

- a) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper trust and contain less than 6 grams of pyrotechnic composition are exempted from this section.
- b) Utilize only a fuse which will burn at least 3 seconds but not more than 6 seconds before ignition of the device.
- c) Utilize only a fuse that is securely attached so that it will support either the weight of the fireworks device plus 8 ounces of dead weight or double the weight of the device, whether is less, without separation from the fireworks device.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.10 Bases

The base or bottom fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimension or the diameter of the base equal to at least on-third of the height of the device, including any base or cap affixed thereto.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.11 Pyrotechnic Leakage

The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling, and normal operation.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.12 Burnout and Blowout

The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.13 Handles

Fireworks devices which are intended to be hand-held and are so labeled shall incorporate a handle at least 4 inches in length. Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least 4 inches below the pyrotechnic chamber.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

Cross Reference - Section 13.01.20 through 13.01.33.]

13.01.14 Spikes

Spikes provided with fireworks devices shall protrude at least 2 inches from the base of the device and shall have a blunt tip not less than 1/3-inch in diameter or 1/8-inch square.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.15 Wheel Devices

Drivers in fireworks devices commonly known as "wheels" shall be securely attached to the device so that they will not come loose in transportation, handling and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.16 Toy Smoke Devices and Flitter Devices

- a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and first fire upon ignition) during normal operation;
- b) Toy smoke devices and flitter devices shall not be of such color and configuration so as to be confused with banned fireworks such as M-80 salutes, silver salutes, or cherry bombs;
- c) Toy smoke devices shall not incorporate plastic as an exterior material in the pyrotechnic composition comes in direct contact with the plastic.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.17 Party Poppers

Party poppers (also know by other names such as "Champagne Party Poppers", and "Party Surprise Poppers"), shall not contain more than 0.25

grains of pyrotechnic composition. Such devices may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.18 Rockets With Sticks

Rockets with sticks (including skyrockets and bottle rockets) shall utilize a straight and rigid stick to provide a directed and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, and normal operation.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.19 Labeling Requirements

It shall be unlawful for any person to transport, possess, discharge, sell or offer for sale within the Port Gamble S'Klallam Indian Reservation any fireworks which are not labeled in conformity with the requirements set forth in section 13.01.20 through 13.01.34.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.20 Fountains

Fountains shall be labeled: WARNING (OR CAUTION), FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if more descriptive). Use only under (close) adult supervision. (use of the word "close" is optional). For Outdoor use only. Place on level surface. Light fuse and get away.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.21 California Candles

California candles shall be labeled: WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS. Use only under (close) adult supervision. (Use of the word "close" is optional). For outdoor use only. Hold in hand at bottom of tub. Point away from body so that neither end points towards body

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.22 Spike and Handle Cylindrical Fountains

Spike fountains shall be labeled: WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS. Use only under (close) adult supervision. (Use of the word "close" is optional). For outdoor use only. Stick firmly in ground in an upright position. Do not hold in hand. Light fuse and get away.

Handle fountains shall be labeled: WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS. Use only under (close) adult supervision. (Use of the

word “close” is optional). For outdoor use only. Hold in hand - point away from body. Do not hold in hand. Light fuse and get away.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.23 Roman Candles

Roman candles shall be labeled: WARNING (OR CAUTION) SHOOTS FLAMING BALLS. Use only under (close) adult supervision. (Use of the word “close” is optional). For outdoor use only. Stick butt end in ground. Do not hold in hand. Light fuse and get away.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.24 Rockets With Sticks

Rockets with sticks shall be labeled: WARNING (OR CAUTION) FLAMMABLE. Use only under (close) adult supervision. (Use of the word “close” is optional). For outdoor use only. Place in wooden trough or iron pipe at 75 degree angle, pointing away from people or flammable material. Do not hold in hand. Light fuse and get away.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.25 Wheels

Wheels shall be labeled: WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if more descriptive). Use only under (close) adult supervision. (Use of the word “close” is optional). For outdoor use only. Attach securely by means of a nail through the hold (or place on hard flat surface, for ground spinners). Light fuse and get away.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78]

13.01.26 Illuminating Torches

Illuminating torches shall be labeled: WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if more descriptive). Use only under (close) adult supervision. (Use of the word “close” is optional). For outdoor use only. Hold in hand - point away from body, clothing, or other flammable material (or place upright on level ground. Do not hold in hand, if more descriptive). Light fuse (or light fuse and get away, if more descriptive.)

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.27 Sparklers

Sparklers shall be labeled on the front and back panels: WARNING (OR CAUTION) FLAMMABLE. On the side, front, back, top, or bottom panel shall be labeled CAUTION. Use only under (close) adult supervision. (Use of

the word “close” is optional). For outdoor use only. Do not touch glowing wire (or do not touch hot plastic wood, etc. if more descriptive). Hold in hand, with arm extended away from body. Keep burning end or sparks away from wearing apparel or other flammable material.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.28 Mines and Shells

Mines and shells shall be labeled: WARNING (OR CAUTION) EMITS SHOWERS OF SPARKS (or SHOOTS FLAMING BALLS, if more descriptive). Use only under (close) adult supervision. (Use of the word “close” is optional). For outdoor use only. Place on hard smooth surface (or place upright on level ground, if more descriptive). Do not hold in hand. Light fuse and get away.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.29 Whistles Without Report

Whistles without report shall be labeled: WARNING (OR CAUTION) FLAMMABLE. SHOOTS WHISTLE IN AIR (if applicable). Use only under (close) adult supervision. (Use of the word “close” is optional). For outdoor use only. Do not hold in hand. Light fuse and get away.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.30 Toy Smoke Devices and Flitter Devices

Toy smoke devices and flitter devices shall be labeled: WARNING (OR CAUTION) FLAMMABLE (OR EMIT SHOWERS OF SPARKS, if more descriptive). Use only under (close) adult supervision. (Use of the word “close” is optional). For outdoor use only. Do not hold in hand. Light fuse and get away.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.31 Helicopter-Type Rockets

Helicopter-type rockets shall be labeled: WARNING (OR CAUTION) FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if more descriptive). Use only under (close) adult supervision. (Use of the word “close” is optional). For outdoor use only. Place on hard, open surface. Light fuse and get away.

[HIST: Source - Resolution No. 78 A 29, passed 3/16/78.]

13.01.32 Party Poppers

Party poppers shall be labeled: WARNING (OR CAUTION) FLAMMABLE. Use only under (close) adult supervision. (Use of the word “close” is

optional). Do not point either end toward face or other person. Hold in hand-jerk string.

[HIST: Source - Resolution No. 78 A 29, passed 3/16/78.]

13.01.33 Missile-Type Rockets

Missile-type rockets shall be labeled: WARNING (OR CAUTION). FLAMMABLE (OR EMITS SHOWERS OF SPARKS, if more descriptive). Use only under (close) adult supervision. (Use of the word "close" is optional). For outdoor use only. Place on hard, open surface. Light fuse and get away.

[HIST: Source - Resolution No. 78 A 29, passed 3/16/78.]

13.01.34 Labeling - General

Any fireworks device not required to have a specific label under this chapter, shall carry a warning label indicating to the user where and how to use the item and necessary safety precautions to be observed. All labels required under this section shall comply with the requirements of 16 C.F.R. 1500.121 (Federal Hazardous Substances Act Regulations).

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.35 Contraband - Forfeiture

All fireworks within the Port Gamble S'Klallam Indian Reservation held, owned, possessed or sold by any person in violation of this ordinance are hereby declared to be contraband subject to forfeiture to the Tribe.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.36 Seizure

Upon application of the Port Gamble S'Klallam Tribal Council the Tribal Judge shall issue an order directing the Port Gamble S'Klallam Tribal Police to seize all contraband fireworks within the Port Gamble S'Klallam Reservation. A copy of the court order shall be delivered to the person from whom the property is seized or shall be posted at the place from which the property is seized.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.37 Forfeiture Procedure - Notice - Hearing

Any person who has had property seized under this ordinance shall be entitled to a hearing before the Port Gamble Community Court to determine whether the person is in fact in violation of tribal law. Such a hearing shall be held within 48 hours of the person's request for a hearing, at which time the person shall be given an opportunity to present evidence in defense of his or her activities. The person shall be given adequate notice of the hearing.

If the owner of the property seized is unknown, a hearing shall be scheduled and a notice of the hearing shall be posted at the place from which the contraband was seized and at some other public place on the Reservation. The notice required under this section shall describe the property seized, give the time, place and reason for the seizure, and if known, the name and address of the owner of the property seized.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.38 Penalties and Enforcement

Any person alleged to be violating any provision of this chapter shall be summoned into the Port Gamble S'Klallam Community Court. If the Court shall determine by a preponderance of the evidence that the person is in violation of this chapter, the judge shall impose a civil fine of not more than \$500 in addition to the forfeiture of the fireworks described in 13.01.35 through 13.01.37

Any person who is found to be selling fireworks in violation of this chapter shall, in addition to the fine and forfeiture described above, be liable to the Tribe for an amount equal to the gross sales of fireworks he or she made in violation of this chapter.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.39 Additional Relief

The Port Gamble Community Court may in addition to the above penalties grant to the Tribe such other relief as is necessary and proper for the enforcement of this chapter, including but not limited to injunctive relief.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

13.01.40 Election of Remedies

The election of any remedy by the Tribe for violation of this chapter shall not waive the Tribe's right to resort to any other remedy available herein.

[HIST: Source - Resolution No. 78 A 29, passed 6/13/78.]

Chapter 13.02 Head Lice Control

13.02.01 Head Lice Control

Upon recommendation of the Port Gamble S'Klallam Health Board, the Tribe may bring a civil action against any person who fails to take all measures necessary to prevent the spread of head lice from his/her household.

[HIST: Source - Resolution No. 84 A 21, passed 8/23/84.]

13.02.02 Penalty for Failure to Control Head Lice

In any action in which a person is found to have failed to take all measures necessary to prevent the spread of head lice, the court shall enter an order directing eradication of the head lice within five (5) days of the order and providing for a schedule of inspections by a person designated by the Health Board to conduct such inspections.

[HIST: Source - Resolution No. 84 A 21, passed 8/23/84.]

13.02.03 Inspections

Any inspections ordered by the court under this chapter shall be carried out after two (2) day notice to the person named in the complaint. The inspection shall be limited to only those acts necessary to determine whether head lice exist in the household.

[HIST: Source - Resolution No. 84 A 21, passed 8/23/84.]

13.02.04 Household Defined

“Household” means the residence of an adult and the children and pets who live in that residence.

[HIST: Source - Resolution No. 84 A 21, passed 8/23/84.]

Chapter 13.03 Animal Control

13.03.01 Purpose

The purpose of this Chapter is to provide for the control of domestic animals and to protect the health, safety, and welfare of the Port Gamble S'Klallam Tribe.

[HIST: Source - Resolution No. 24-A-137, passed 09/09/2024, repealing and replacing the animal control code.]

13.03.02 Definitions

As used in this Chapter, the following definitions apply:

- (A) "Owner" means anyone who owns, keeps, harbors, or otherwise controls an animal and includes homeowners, lot holders, and tenants with respect to any animal owned by any member of the household.
- (B) "At large" means an animal is not physically restrained by a leash, within the owner's residence, enclosed in a humane manner temporarily within a vehicle, within a cage or similar enclosure, or by a fence that guarantees the animal cannot escape.
- (C) "Vicious animal" means as follows:
 - (1) The term includes any animal that:
 - (a) Bites, attempts to bite, endangers, or otherwise injures or causes injury to a human being without sufficient provocation; or
 - (b) While at large, kills or causes injury to any domesticated animal; and
 - (2) The term does not include a guard or watch dog acting in defense of its owner.

[HIST: Source - Resolution No. 24-A-137, passed 09/09/2024, repealing and replacing the animal control code.]

13.03.03 Duty of Care

- (A) An owner of an animal is responsible for providing the appropriate supervision and care of the animal, including all necessary food, water, housing, vaccinations, and medical care.

- (B) A person who is cruel to an animal or fails to control an animal may be subject to prosecution as provided under PGST Code 5.04.08 or 5.04.10.

[HIST: Source - Resolution No. 24-A-137, passed 09/09/2024, repealing and replacing the animal control code.]

13.03.04 Liability

- (A) An owner of an animal is responsible for damages to persons or property caused by the animal.
- (B) The liability under this section includes any damages covered by the Port Gamble S'Klallam Tribe, as approved by the Tribal Council, including medical treatment, lost wages, repairs, and other costs incurred due to the animal's conduct.
 - (1) The Port Gamble S'Klallam Tribe may pursue reimbursement for any damages covered by the Tribe under this section by issuing an invoice to the individual whose animal caused the damages.
 - (2) If the individual contests the invoice or fails to pay by the required date, then the Port Gamble S'Klallam Tribe may file a complaint for reimbursement against the individual as provided under Title 3 of the PGST Code.

[HIST: Source - Resolution No. 24-A-137, passed 09/09/2024, repealing and replacing the animal control code.]

13.03.05 Vicious Animals

A person may not own, keep, harbor, or otherwise control a vicious animal within the jurisdiction of the Port Gamble S'Klallam Tribe.

[HIST: Source - Resolution No. 24-A-137, passed 09/09/2024, repealing and replacing the animal control code.]

13.03.06 Running at Large

- (A) An owner of an animal may not allow the animal to run at large.
- (B) The prohibition of this section does not include an off-leash animal if:
 - (1) The animal is under the voice control of the owner;
 - (2) The animal has been properly trained to not approach people or other animals without permission; and
 - (3) The presence of the off-leash animal is permitted by the lot

holder, Tribe, or other relevant authority where the animal is off-leash.

[HIST: Source - Resolution No. 24-A-137, passed 09/09/2024, repealing and replacing the animal control code.]

13.03.07 Public Nuisance

- (A) An animal is considered a public nuisance if it:
 - (1) Harasses or chases any passerby or passing vehicle;
 - (2) Barks, howls, or creates other animal noises so as to disturb the peace and quiet of any person;
 - (3) Is repeatedly at large;
 - (4) Overturns or spreads garbage about; or
 - (5) Attacks other animals.
- (B) An owner of an animal that is a public nuisance may be prosecuted for maintaining a public nuisance under PGST Code 5.02.07.

[HIST: Source - Resolution No. 24-A-137, passed 09/09/2024, repealing and replacing the animal control code.]

13.03.08 Abandonment & Removal

- (A) A person may not abandon an animal within the jurisdiction of the Port Gamble S'Klallam Tribe.
- (B) A person may not remove or otherwise take a dog or cat from the jurisdiction of the Port Gamble S'Klallam Tribe unless the person:
 - (1) Is the owner;
 - (2) Is acting with the permission of the owner;
 - (3) Is a Port Gamble S'Klallam Tribe law enforcement officer;
 - (4) Is an animal control officer of any agency who has been requested to provide assistance by a Port Gamble S'Klallam Tribe law enforcement officer; or
 - (5) Is otherwise employed or authorized by the Port Gamble S'Klallam Tribe to provide animal control services.
- (C) A person who violates this section may be removed and excluded from the territory of the Port Gamble S'Klallam Tribe as provided under PGST Code 22.02.01.

[HIST: Source - Resolution No. 24-A-137, passed 09/09/2024, repealing and replacing the animal control code.]

13.03.09 Impoundment

- (A) An animal found in violation of this Chapter may be seized or impounded by:
 - (1) A Port Gamble S'Klallam Tribe law enforcement officer;
 - (2) An animal control officer of any agency whose assistance has been requested by a Port Gamble S'Klallam Tribe law enforcement officer; or
 - (3) Any person otherwise employed or authorized by the Port Gamble S'Klallam Tribe to provide animal control services.

- (B) If an animal has been seized or impounded:
 - (1) The Port Gamble S'Klallam Police Department shall make reasonable efforts to identify and notify the owner;
 - (2) The animal may be seized or impounded as long as is deemed appropriate by the Port Gamble S'Klallam Police Department;
 - (3) The owner shall be responsible for the fees related to the seizure, impoundment, reclamation, or destruction of the animal; and
 - (4) Consistent with the policies and procedures of the Port Gamble S'Klallam Police Department or the impounding facility, as relevant, the animal may be put up for adoption destroyed if the owner fails to reclaim the animal or pay the required fees in a timely manner.

[HIST: Source - Resolution No. 24-A-137, passed 09/09/2024, repealing and replacing the animal control code.]

13.03.010 Responding to Bites, Attacks, & Rabies

- (A) The owner of an animal that bites or otherwise injures or causes injury to a human being without sufficient provocation:
 - (1) Is deemed to own a vicious animal in violation of this Chapter; and
 - (2) May be prosecuted for failure to control an animal as provided under PGST Code 5.04.10.

- (B) If an animal bites or otherwise injures a human, the incident shall be reported to the Port Gamble S'Klallam Police Department.
 - (1) A health care provider who treats a person for an animal bite or other related injury shall report all known details of the incident to the Port Gamble S'Klallam Police Department. The health care provider is not required to receive the patient's consent to make this report.
 - (2) A health care provider who reports under this section is not liable for making the report.
- (C) When responding to an animal bite, reported injury, or any other incident involving a vicious animal, a Port Gamble S'Klallam Tribe law enforcement officer:
 - (1) Shall make reasonable efforts to seize and impound the animal for the examination and diagnosis of rabies; and
 - (2) May destroy the animal at any time if:
 - (a) The animal is wild, meaning there is no known owner or obvious signs of ownership;
 - (b) The animal displays signs that would cause a reasonable person to suspect rabies;
 - (c) The animal is unable to be seized, subjugated, or otherwise controlled without serious threat to the responding officer or others; or
 - (d) The owner of the animal consents to the destruction.
- (D) If an animal has been diagnosed with rabies, the animal must be destroyed humanely. The owner of the animal is responsible for any costs and fees related to the seizure, impoundment, or destruction.

[HIST: Source - Resolution No. 24-A-137, passed 09/09/2024, repealing and replacing the animal control code]