

## **Subpart N Land, Livestock and Area Regulations**

### **N-1 Cutting Green Timber without Permission**

(a) A person who cuts or removes any green timber from lands within the Pueblo without written permission from the Governor or his representative is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed thirty dollars (\$30.00), or both.

### **N-2 Branding Livestock of Another**

(a) A person who:

1. Willfully brands or marks an animal with a brand or mark other than the recorded brand or mark of the owner of the animal; or
2. Willfully alters or obliterates any brand or mark on any animal not his own, with intent to convert the animal to his or some third person's use, without the consent of the owner is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed five hundred dollars (\$500.00), or both.

### **N-3 Failure to Control Livestock – Diseases or Parasites**

(a) A person who willfully refuses to dip or treat any livestock under his ownership or control in accordance with orders or directions initiated by authorized range management personnel of the Pueblo or BIA is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed one hundred dollars (\$100.00), or both.

### **N-4 Game Violation**

(a) A person who knowingly kills, attempts to kill or catches any deer or game animal within the Pueblo without the written permission from the Governor or his representatives is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed one hundred dollars (\$100.00), or both.

(c) "Game animal" shall mean any animal for which the Pueblo of Pojoaque requires a Tribal permit to hunt, kill or catch.

**N-5        Grazing, Introduction without a Permit**

(a) A person who:

1. Knowingly permits livestock under his ownership or control to graze upon lands within the Pueblo, without a valid permit issued by an authorized range management personnel; or
2. Willfully introduces or causes the introduction of any livestock into lands within the Pueblo not allocated, without a valid permit issued by authorized range management personnel is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed one hundred dollars (\$100.00), or both.

**N-6        Making False Reports of Stock Owned**

(a) A person who:

1. Knowingly makes a false report as to the total number of stock under his ownership or control; or
2. Willfully refuses to report the number of stock under his ownership or control, when required or requested by authorized range management personnel is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed one hundred dollars (\$100.00), or both.

**N-7        Refusal to Brand or Mark Livestock**

(a) A person who willfully refuses to brand or mark any livestock under his ownership or control, when required or requested by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed one hundred dollars (\$100.00), or both.

**N-8 Refusal to Dispose a Cull or Infected Animal**

(a) A person who willfully refuses to dispose of or remove any cull or infected animal designated for disposal or removal by authorized range management personnel is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed one hundred dollars (\$100.00), or both.

**N-9 Unauthorized Use of Range**

(a) A person who willfully:

1. Grazes livestock under his ownership or control in the Pueblo in excess of the number allowed under his grazing permit; or
2. Refuses to graze livestock under his ownership or control in accordance with plans made public by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed one hundred dollars (\$100.00), or both.

**N-10 Unauthorized Fencing**

(a) A person who fences any land knowing such fencing is not authorized by range management personnel is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed one hundred dollars (\$100.00), or both.

**N-11 Violation of Regulation**

(a) A person who willfully violates or refuses to comply with lawful orders and directions issued by the Secretary of the Interior or his representatives for the purpose of regulating the use or occupancy of the Pueblo is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed one hundred dollars (\$100.00), or both.

**N-12 Other Actions not Precluded**

The arrest, conviction or sentencing of any person for violating any provision contained in this Subpart shall not preclude impoundment, seizure or other authorized action taken by management personnel for the enforcement of regulation for, or of the Pueblo of Pojoaque.

**N-13 Pit Bull and Staffordshire Terriers Regulations**

(a) Pit Bull and Staffordshire Terrier breeds are considered dangerous.

(b) It is illegal for anyone living on the Pueblo to own, keep, or otherwise allow to enter within the exterior boundaries of the Pueblo, dogs of Pit Bull or Staffordshire Terrier breed.

(c) Pit Bull and Staffordshire Terrier Breeds owned by a Tribal Member and residing within the exterior boundaries of the Pueblo of Pojoaque as of September 13, 2012 may remain upon proof by the owner of the following conditions:

1. Microchip. Every Pit Bull or Staffordshire Terrier breed grandfathered in under this Section shall be microchipped at the owner's expense.

2. Registration. Every owner of a Pit Bull or Staffordshire Terrier breed shall register the dog with the Pueblo of Pojoaque Tribal Police or the Tribal Court. The registration should include the following:

A. Name, address and telephone number of the dog's owner;

B. The address where the dog is kept, if different from the owner's address;

C. A complete identification of the dog including the dog's sex, color and any other distinguishing physical characteristics;

D. A photograph of the dog; and

E. Proof of microchip.

(d) Failure to register a Pit Bull or Staffordshire Terrier breed as required by this Section shall be evidence that the dog is a newly acquired dog.

**N-14 Animal Control Regulations**

(a) Violations of animal control regulations are subject to criminal proceedings under Subpart M-16.

(b) Any Indian who:

1. Tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills any animal; or
2. Who unnecessarily fails to provide any animal with proper food or drink; or
3. Who allows any pet to run at large within the exterior boundaries of the Pueblo of Pojoaque shall be guilty of violating the Animal Control Regulations.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed five hundred dollars (\$500), or both. In addition, anyone who violates the Animal Control Regulations shall be liable for any costs accrued by the Santa Fe County Animal Control Unit.

(d) All pets must be confined to a fenced yard, tied or on a leash at all times. The owner of an animal is responsible for all damage or harm caused by the animal. It shall be no defense that an animal escaped its restraint.

(e) If a pet is loose, Tribal Police will be called and Animal Control will pick up the animal. The owner of the animal will be billed for all costs of picking up and boarding the animal. If needed, the impound fee will be paid by garnishment of wages.

#### **N-15 Vicious Animal Ordinance**

(a) It is unlawful for any person within the Pueblo of Pojoaque to keep or harbor a known vicious animal. Any attack by a vicious animal or any animal displaying traits of a vicious animal may be repelled by the use of reasonable force.

(b) A vicious animal includes any animal who bites, has bitten, or in any manner attacks or bites any person. A vicious animal also includes any animal which, unprovoked, kills or maims any animal owned by a person.

(c) Any animal shall not be deemed vicious if any animal bites, or in any manner attacks or bites any person when provoked by a person who trespasses upon the owner's premises.

(d) After a Tribal Court determination that an animal is vicious, the Tribal court shall order the animal removed immediately from the Pueblo of Pojoaque. The Tribal Court may also order the animal destroyed.