

**Housing Regulations**  
Regulation # R700-01:HC-6

**Chapter 6. Pet and Animal Control Regulations for Low Income Elder and Tribally Owned Rental Homes**

**Section 1. Authority; Purpose**

1-1. *Authority.* In accordance with Sections 6.01 (a) of the Housing Commission Ordinance, # 04-700-01, the Housing Commission hereby promulgates these pet and animal control regulations for Low Income Elder and Tribally Owned Rental Homes.

1-2. *Purpose.* The purpose of this Chapter is to establish a policy regarding pets and animal control in Low Income Elder and Tribally Owned Rental Homes.

These regulations are designed to serve as:

- a. A policy for the Housing Department.
- b. A document that provides for consistent, equitable, and uniform treatment of clients.
- c. A basis for decision-making by Housing Department staff. A training manual for newly-hired or appointed staff.

1-3. *Application.* This regulation is applicable to tenants in Low Income Elder and Tribally Owned Rental Homes.

**Section 2. Definitions**

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word “shall” is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in Chapter 1 through 5 and the Housing Commission Ordinance are considered as defined therein for purposes of this Chapter.

2-2. *Pet.* For purposes of this regulation a “pet” is defined as a common household animal, such as a dog, cat, bird, or fish, normally kept as a tenant’s companion. Horses, snakes, frogs, gerbils, and other animals and birds normally found in the wild are specifically excluded from this definition. Also excluded are certain breeds of dogs of vicious nature reputation, such as Pit Bulls, Doberman Pinschers and Rottweillers.

**Section 3. Authorization**

3-1. *Scope.* One pet, other than fish, is permitted for each housing unit, regardless of bedroom size. Each pet must be maintained responsibly and in accordance with all applicable public health, animal control and animal anti-cruelty laws and regulations governing pet ownership. Any waste generated by a pet must be disposed of promptly in a sealed plastic bag to avoid any unpleasant and unsanitary odor.

3-2. *Written Authorization and Fee.* No resident is authorized to have a pet until written authorization and confirmation of compliance with this policy have been received from the Housing Department. When an authorization is granted the tenant shall pay a “pet deposit” in the amount of \$150.00. The pet deposit will be used by the Housing Department at the end of the lease toward payment of any costs made necessary by pet damage. Otherwise, the pet deposit, or any balance remaining, will be returned to the tenant after the premises are vacated, the keys are returned and the unit has been inspected.

3-3. *Cats.* A cat must be spayed and declawed. The resident must provide litter boxes for cat waste, which must be kept inside the dwelling unit. The resident shall not permit refuse from

litter boxes to accumulate nor to become unsightly or unsanitary. Cats must be kept indoors. On a yearly basis, tenant may have to provide veterinarian certificate showing the cat is up-to-date on his inoculations.

3-4. *Dogs.* If the pet is a dog proof of spaying should be provided. Tenant must provide yearly evidence, if required, from a veterinarian of standard inoculations.

3-5. *Birds.* If the pet is a bird, it shall be housed in a birdcage and cannot be let out of the cage at any time.

3-6. *Fish.* If the pet is a fish, the empty water container must not be over 20 gallons and the container must be placed in a safe location in the unit. The tenant is limited to two containers for the fish; however, there is no limit on the number of fish that can be maintained in the container as long as the container is maintained in a safe and non-hazardous manner.

#### **Section 4. Animal Control**

4-1. *Pet care and control.* All pets must be housed within the unit and no facilities can be constructed outside of the unit for any pet. No animal shall be permitted to be loose and if the pet is taken outside it must be on a leash and kept off other residents lawns.

All authorized pet(s) must be under the control of an adult. An unleashed pet, or one tied to a fixed object, is not under the control of an adult. Pets which are unleashed, or leashed and unattended, will be taken to local Animal Control. It shall be the responsibility of the tenant to reclaim the pet and to pay for any charges owed. Also, if the Housing Department has to take a pet to Animal Control the resident will be charged a fee to cover the expense of removing the pet. The Director is authorized to determine these fees annually.

Pets may not be left alone unattended for more than eight (8) consecutive hours for dogs or twelve (12) consecutive hours for a cats. If it is reported to the Housing Department that a pet has been left unattended for more than an eight (8) consecutive hour-period for a dog or twelve (12) consecutive hours for a cat, the Housing Department may enter the unit and remove the pet and transfer the pet to Animal Control. A charge will be assessed to the tenant for removal of the pet from any facility. The Director is authorized to determine these fees annually.

4-2. *Peaceful Enjoyment.* Pets shall not disturb, interfere or diminish the peaceful enjoyment of other tenants. The terms, “disturb, interfere or diminish” shall include, but not be limited to barking, howling, chirping, biting, scratching and other like activities. If a pet violates the peaceful enjoyment of other tenants as expressed in submitted written and signed complaint, the tenant pet owner will be given one week to make arrangements for the pet to be removed from the property. If the pet should become destructive, create a nuisance, represent a threat to the safety and security of other tenants, or guests, or create a problem in the area of cleanliness and sanitation, the Housing Department Director shall notify the tenant, in writing, that the pet must be immediately removed from the property. The tenant may file a request for consideration stating the measures adopted to correct the situation. If his request for consideration is denied, the tenant may file an appeal before the Housing Commission as per Article VI, Section 6, Paragraph 6.03 of the Housing Ordinance.

4-3. *Waste.* The tenant is solely responsible for cleaning up the waste of the pet within the dwelling, on the grounds of the rental property as well as on the grounds of the subdivision when applicable. If the pet is taken outside, it must be on a leash at all times. If there is any visible

waste by the pet it must be disposed of in a plastic bag, securely tied and placed in the garbage. If the Housing Department is required to clean any waste left by a pet, the tenant will be assessed a charge for the removal of waste. The Director is authorized to determine these fees annually.

4-4. *Maintenance Calls.* The tenant shall have canine pets restrained so that maintenance can be performed in the rental unit. The resident shall, whenever an inspection or maintenance is scheduled, either be at home or shall have all animals caged or restrained. If a maintenance person enters the unit where an animal is not caged or restrained, maintenance shall not be performed, and the resident shall be charged a fee for the call. If this same situation occurs again, the pet shall be removed from the premises. Pets that are not caged or properly restrained will be impounded and taken to local animal control. It shall be the responsibility of the resident to reclaim the pet at animal control at the expense of the resident. Also, if the Housing Department has to remove a pet, the tenant will be charged an additional fee. The Director is authorized to determine these fees annually.

### **Section 5. Adoption; Amendment; Repeal**

5-1. *Adoption.* This Chapter is adopted by the Housing Commission by Resolution HC 04-1216-03 on December 16, 2004 and approved by the Tribal Council on \_\_\_\_\_.

5-2. *Amendment.* This regulation may be amended by the Housing Commission in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians. Provided that, any amendments must be adopted and approved in the same manner as set forth in section 5-1.

5-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

5-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

5-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

5-6. *Effective Date.* This Regulation shall take effect on the date of approval by Tribal Council.