

RESOLUTION OF THE
NAVAJO NATION COUNCIL

20TH NAVAJO NATION COUNCIL - FOURTH YEAR, 2006

AN ACT

RELATING TO AN EMERGENCY AND RESOURCES; AMENDING TITLES 3,
13 AND 17 OF THE NAVAJO NATION CODE; ENACTING THE NAVAJO
NATION LIVESTOCK AND FOREIGN ANIMAL DISEASE RESPONSE ACT OF
2006

BE IT ENACTED:

Section 1. Enactment of "The Navajo Nation Livestock and
Foreign Animal Disease Response Act of 2006."

The Navajo Nation Council hereby enacts the Navajo
Nation Livestock and Foreign Animal Disease Response Act of
2006 as an emergency measure, pursuant to 2 N.N.C.
§164(A)(7)(a), to immediately address serious contagious
animal diseases that may jeopardize animal, livestock and
human health and thereby directly threaten the health,
economy and the sovereignty of the Navajo Nation.

Section 2. Findings and Purpose.

1. The Navajo Nation is comprised of more than 27,000
square miles of land.

2. There are a number of livestock and domestic
animals within the Navajo Nation. The Navajo Nation
Veterinary Livestock Program estimates there are over
100,000 sheep and goats, 55,000 cattle, 35,000 horses and
burros, and 250 llamas. These animals are susceptible to
various animal diseases, including foreign animal diseases.

3. Foreign animal diseases are diseases that are
highly communicable to people and livestock by spreading
quickly, having devastating impacts upon the community, and
have devastating impacts on the economy. The Navajo Nation
is vulnerable to foreign animal diseases because Navajo
Nation economy is partially dependent on a livestock
economy; livestock supplement the income of many Navajos;
throughout the years numerous livestock are transported
throughout the Navajo Nation for various livestock sales,
rodeos, and other events; and there are numerous livestock

but there are very few fences within the Navajo Nation to separate customary use area, residential housing, business site, and road/highway rights-of-way.

4. Since 2001, the Navajo Nation has been developing an internal response to address foreign animal diseases after the United Kingdom and the United States began protecting its borders against the threat of "Hoof and Mouth Disease" (also known as the "Foot and Mouth Disease" in the United Kingdom). And since 2001, various other foreign animal diseases have impacted the United States and the Navajo Nation.

5. In 2003, the West Nile Virus (WNV) hit the Navajo Nation as it spread across the United States running east to west. As the WNV came closer to the Navajo Nation, a Navajo Nation emergency response task force was developed that used a unified command system to provide guidance to multiple internal programs.

6. Because of these events, the Navajo Nation recognizes a need for an emergency response plan to foreign animal disease. On August 24, 2004, the Resources Committee of the Navajo Nation Council enacted the Navajo Nation Emergency Response to A Foreign Animal Disease (NNERFAD). Resolution RCAU-43-04.

7. In December 2004, the "Mad Cow" Disease threatened the United States, as well as the Navajo Nation. Again, the NNERFAD task force was called to establish a 90-day action plan to protect the borders of the Navajo Nation. While this plan was developed, it became apparent to the NNERFAD task force that certain Navajo Nation laws need to be amended to better protect the livestock within the Navajo Nation from foreign animal diseases. Many of the Navajo Nation livestock laws are over 40 years old.

8. In 2005, a legislative task force was assembled to review Title 3 of the Navajo Nation Code, Agriculture and Livestock, to recommend amendments on how to quickly address foreign animal diseases, to quarantine the foreign animal disease area and bring the Navajo Nation back to a non-disease state. It is apparent the Navajo Nation needs a program to register and identify livestock within certain regions. Once developed, diseased livestock can be identified within a certain region within 48 hours to protect other livestock resources. It is imperative that

the specific location of the infected livestock be determined as well as the possible routes of these infected animals to minimize the spread of diseases to other livestock and people.

9. In 2005, the Legislative task force began an education process (work sessions and public hearings) of the Title 3 amendments to the District Grazing Committees and Land Boards through various agency and reservation wide meetings. These sessions garnered support and various opinions on the Title 3 amendments addressing foreign animal disease on the Nation.

10. The Title 3 amendments address the protection, control, and quarantine of the Navajo Nation from foreign animal disease; prohibit cruelty to animals; provide procedures and requirements for livestock or equine round-up; develop a Livestock Trader Permit; expand the duties and responsibilities of Livestock Officers and Deputy Livestock Inspectors; establish livestock and equine owner responsibilities; establish a Livestock Custody Fund and fees; and address stray or abandoned animals.

11. Navajo Fundamental Law, through Diné Natural Law, declares and teaches the sacred obligations of the Diné to protect and preserve the beauty of the natural world for future generations, 1 N.N.C. §205 declares and teaches that

- A. The four sacred elements of life, air, light/fire, water and earth/pollen in all their forms must be respected, honored and protected for they sustain life; and
- B. The six sacred mountains, Sinaajini, Tsoodzil, Dook'o'oosliid, Dibé Nitsaa, Dzil Na'oodilii, Dzil Ch'oolii, and all the attendant mountains must be respected, honored and protected for they, as leaders, are the foundation of the Navajo Nation; and
- C. All creation, from Mother Earth and Father Sky to the animals, those who live in water, those who fly and plant life have their own laws and have rights and freedoms to exist; and

- D. The Diné have the sacred obligations and duty to respect, preserve and protect all that was provided for we were designated as the steward for these relatives through our use of the sacred gifts of language and thinking; and
- E. Mother Earth and Father Sky is part of us as the Diné and the Diné is part of Mother Earth and Father Sky. The Diné must treat this sacred bond with love and respect without exerting dominance for we do not own our mother or father; and
- F. The rights and freedoms of the people to the use of the sacred elements of life as mentioned above and to the use of land, natural resources, sacred sites and other living beings must be accomplished through the proper protocol of respect and offering and these practices must be protected and preserved for they are the foundation of our spiritual ceremonies and the Diné way of life; and
- G. It is the duty and responsibility of the Diné to protect and preserve the beauty of the natural world for future generations.

12. It is in the best interest of the Navajo Nation to protect the health, safety and welfare, and economic security of the Navajo Nation to approve these Title 3 amendments.

Section 3. Amendments to Title 3, Navajo Nation Code.

The Navajo Nation hereby amends the Navajo Nation Code, Titles 3, 13 and 17, attached hereto as Exhibit "A".

Section 4. Codification

The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of the Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 5. Savings Clause

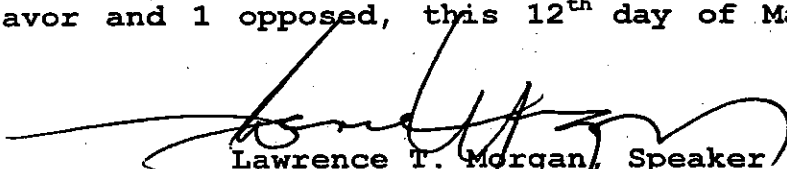
Should any provisions of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

Section 6. Effective Date.

The Navajo Nation Council hereby declares that the effective date of "The Navajo Nation Livestock and Foreign Animal Disease Response Act of 2006" shall take effect six months from the approval date of this resolution by the Navajo Nation Council.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 66 in favor and 1 opposed, this 12th day of May 2006.


Lawrence T. Morgan, Speaker
Navajo Nation Council


Date

Motion: Duane Tsinigine
Second: Edward Jim

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of _____ 2006.

Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2005 for the reason(s) expressed in the attached letter to the Speaker.

Joe Shirley, Jr., President
Navajo Nation

I hereby certify that this legislation is deemed enacted and effective pursuant to 2 N.N.C. §1005(C)(12) because the President of the Navajo Nation waived his authority to sign the legislation into law or veto the legislation within ten (10) calendar days after certification by the Speaker.

Phefelia B. Johnson

Phefelia B. Johnson, Director
Office of Legislative Services

6-8-06

Date

Title 3, Navajo Nation Code

Agriculture and Livestock

Chapter 7. Control and Inspection of Livestock

Subchapter 1. Generally

§ 1201. Definitions

A. "Abandonment" means and includes the leaving of an animal by its owners or other person or persons responsible for its care or custody without making effective provisions for its proper care and control.

B. "Animals" Any animal mammal, other than human, and includes birds, reptiles, fish, wild and domesticated animals.

C. "Animal fights" means it is unlawful for any person to promote stage, hold, manage, conduct, or carry on any game, exhibition or contest in which one or more animal are engaged for the purpose of injuring, killing, maiming, or destroying themselves, or any other animals. This does not apply to rodeo events.

D. "Cruelty" means it is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise conduct cruelly set upon an animal, except that reasonable force maybe used. Cruelty also includes every act or omission, which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain and suffering.

E. "Department" means the Department of Resource Enforcement, Navajo Veterinary Livestock Program or the Department of Agriculture.

F. "Deputy Livestock Inspector" as used in this Act shall mean a non-commissioned officer who provides livestock inspection services only and duties shall also include the seizure of livestock under this Title.

G. "Director" means the Director of the Department of Resource Enforcement and the Director of Navajo Nation Department of Agriculture.

H. "Disposal" means the deposit or dumping of any animal (carcass) into or on any land or water so that such animal (carcass) or any constituent (animal parts) thereof may enter the environment or be emitted into the air or discharged into any water, including ground water.

1 I. "Division" means the Navajo Nation Division of Natural Resources.

2 J. "Division Director" means Executive Director of Division of Natural Resources.

3 K. "Equine" as used in this Chapter means horses, mules, burros and asses.

4 L. "Feral" means any un-owned or free ranging animal, livestock or equine not under
5 control of an owner.

6 M. Whenever the term "Livestock" as is used in this Chapter it shall refer to all meat animals
7 (horses, means cattle, dairy cattle, buffalo,) and sheep, goats, and swine, and llamas, except feral
8 pigs.

9 N. "Law Enforcement Officer" means any person who has successfully completed training
10 at a recognized police training academy, has been commissioned by a designated Navajo Nation
11 authority as a police officer, ranger, forestry officer, or resource enforcement officer, and is
12 vested by law with a duty to maintain public order or make arrests, whether that duty extends to
13 all offenses or is limited to specific areas of offenses or offenders. This term includes police
14 officers, rangers, forestry officers and resource enforcement officers.

15 O. "Livestock Officer" means a commissioned Law Enforcement Officer who has the duties
16 and responsibilities to enforce Title 3 and Title 17 related to livestock and who is also an
17 authorized person to conduct livestock inspection service.

18 P. "Livestock Trader Permit" means a certification of a person, corporation or business who
19 conducts business involving the sale, barter and trade of livestock, equine, hay and feed and
20 other agricultural products.

21 Q. "Neglect" means failure to provide food, water and normal veterinary care for the
22 animal(s) health and well being. During time of drought and severe weather conditions, the
23 owner is responsible to ensure animal, livestock or equine are properly maintained and not in a
24 state of neglect.

25 R. "Nuisance" means, but is not limited to defecation, urination, disturbing the peace by the
26 presence of, sound or cry, emitting noxious or offensive odor, or otherwise endangering the well
27 being of the inhabitants and other livestock, or equine of the community.

28 S. "NNERFAD" means the Navajo Nation Emergency Response to Foreign Animal
29 Disease.

30 T. "NNVLP" means the Navajo Nation Veterinary Livestock Program who is responsible

1 for the investigation, diagnosis and treatment of disease incidents and/or outbreak.

2 U. "Poultry" means any domesticated bird, whether live or dead, and includes chickens,
 3 turkeys, ducks, geese, guineas, ratites and squabs.

4 V. "Range" means every character of lands, enclosed or unenclosed, and not withdrawn
 5 from grazing, outside/inside of cities and towns, upon which livestock are permitted to graze
 6 with a valid Navajo Nation grazing permit and Eastern Navajo grazing permit.

7 W. "Range equine" means equine customarily permitted to roam upon the ranges of the
 8 Navajo Nation, and not in the immediate actual possession or control of the owner although
 9 occasionally placed in enclosures for temporary purposes.

10 X. "Range livestock" means livestock customarily permitted to roam upon the ranges of the
 11 Navajo Nation, and not in the immediate actual possession or control of the owner although
 12 occasionally placed in enclosures for temporary purposes.

13 Y. "Ratite" means ostriches, emus, rheas and cassowaries.

14 Z. "Stray animal" as used in 3 N.N.C. §1308 means livestock, sheep or swine whose owner
 15 is unknown or cannot be located, or any such animal whose owner is known but permits the
 16 animal to roam at large on the premises of another without permission. As used in this Chapter,
 17 means livestock, equine or ratites whose owner is unknown or cannot be located, or any animal
 18 whose owner is known but permits the animal to roam at large on the streets, alleys, fenced
 19 paved roads, fenced right of ways, range or premises of another without permission.

20 AA. "Veterinarian" means accredited Navajo Nation, state or federal veterinarian.

21
 22 **Subchapter 3. Inspection of Livestock**

23
 24 1251. Livestock Officer and Deputy Livestock inspectors; appointment; powers
 25 and duties.

26 1252. Method, place and time of inspection of livestock.

27 1253. Record of inspection; disposition of record and copies.

28 1254. Inspection as to ownership of livestock.

29 1255. Seizure of livestock to be shipped by unauthorized person.

30 1256. Certificate of inspection; delivery.

- 1 1257. Service Charge and Inspection fee; self-inspection; civil penalties.
- 2 1258. Transportation of livestock, equine, animal, poultry and/or ratite by
- 3 person without certificate of inspection or health certification or validated
- 4 auction invoice; classification.
- 5 1259. Alteration of certificate or record of inspection.
- 6 1260. Substitution of livestock, equine, ratite and animals after issuance of
- 7 certificate of inspection.
- 8 1261. Inspection of Livestock to be slaughtered, sold, or transported; fees;
- 9 violation; classification.
- 10 1262. Mobile slaughtered units; custom slaughtering; brand inspections.
- 11 1263. Unbranded livestock kept in close confinement; shipment; sale and
- 12 inspection.
- 13 1264. Ownership and hauling certificate for equine; inspection; exemption;
- 14 cancellations; civil penalties; fees.
- 15 1265. Transfer of ownership and hauling certificate; issuance of new ownership
- 16 and hauling certificates; fees; civil penalties.
- 17 1266. Seasonal inspection for exhibition and summer/winter pastures livestock;
- 18 fees.
- 19 1267. Penalties.
- 20 1268. Livestock Trader Permit.
- 21 1269. Inventory and monthly report of Livestock trader mandatory
- 22 requirements.
- 23 1270. Failure to possess a Livestock Trader Permit.
- 24 1271. Failure to comply with Livestock Trader Permit Requirements.
- 25 1272. Failure to Stop at Livestock Checkpoint.
- 26 1273. Cruelty of Animal-Extreme Cruelty of Animal; Penalties; Exception
- 27 1274. Penalties.

28
29 **§ 1251. Livestock Officer and Deputy Livestock Inspectors; appointment; powers and**
30 **duties**

1 A. The Director of the Division of Natural Resources shall have the authority to appoint
2 Livestock Officers and Deputy Livestock Inspectors to enforce the provisions of the livestock
3 laws of the Navajo Nation and such other laws that may pertain to the transfer, importation, sale
4 and/or health of livestock. Such Livestock Officer and Deputy Livestock Inspectors shall be
5 responsible to the Director of Department of Resource Enforcement.

6 B. ~~Inspectors so appointed may authenticate bills of sale of livestock, brands and marks,~~
7 ~~deliver certificates of acknowledgment thereof under their hands and seals and take~~
8 ~~acknowledgments to applications for brands and marks.~~ Livestock Officers and Deputy
9 Livestock Inspectors may authenticate bills of sale of livestock and equine, brands, marks and/or
10 animal identification, deliver certificates of acknowledgment thereof under their hands and seals
11 and take acknowledgments to applications for brands and marks. A service fee and
12 administrative fee per form and inspection fee per head (on bill of sales) will be taken as
13 payment to be determined by the Department administration as deemed necessary.

14 C. Livestock Officers and Deputy Livestock Inspectors shall not grant a certificate of
15 inspection of unbranded hides or livestock, or of hides or livestock upon which the marks and
16 brands cannot be ascertained or which disclose ownership by some person other than the one
17 seeking the certificate of inspection. No certificate of inspection will be given without original
18 documents. No Xerox copies will be accepted as proof of ownership without certified stamp
19 from notary public, courts or Bureau of Indian Affairs (BIA).

20 D. ~~Inspectors shall prevent the hides of livestock from being shipped or transported and shall~~
21 ~~prevent any livestock from being shipped, driven or transported unless identified by proof or by~~
22 ~~bill of sale signed by the owner of the hides or livestock, and may stop any person who is in~~
23 ~~possession of and is conveying, shipping or transporting livestock and demand the duplicate~~
24 ~~certificate of the record of inspection. A Livestock Officer may stop any person who is in~~
25 ~~possession of and is conveying, shipping or transporting livestock, equine or hides of livestock to~~
26 ~~examine brands, marks and other animal identification, certificates of brand inspection and bills~~
27 ~~of lading or bills of sale relating to the livestock in transit if the officer or inspector has probable~~
28 ~~cause or reasonable suspicion to believe that the person has violated this Title or Title 17 relating~~
29 ~~to livestock.~~

30 E. Livestock Officers and Deputy Livestock Inspectors may enter any premises where

1 livestock are kept or maintained to examine brands or marks or other evidence of ownership or to
 2 determine the health or welfare of livestock. If admittance is refused or physically denied and
 3 probable cause exists, the livestock officer may immediately request a warrant from the nearest
 4 court of the Navajo Nation to allow such entry.

5 F. ~~Inspectors~~ Livestock Officers are Law Enforcement Officers and shall have the powers of
 6 law enforcement officers and carry a Department-issued weapon, with respect to the provisions
 7 of this Chapter Title 3 and Title 17 relating to livestock, and shall cite, apprehend or arrest any
 8 person who violates the livestock laws, and shall, upon reliable information that any person has
 9 violated such law, make the necessary affidavits for arrest and examination of the person and
 10 shall, upon warrants issued there for, immediately arrest the person.

11 G. Deputy Livestock Inspector's powers and duties will not include Sections D and F of this
 12 Section.

13 H. Livestock Officers and Deputy Livestock Inspectors will investigate cases of livestock
 14 and equine abandonment, neglect, nuisance and cruelty.

15
 16 **§ 1252. Method, place and time of inspection of livestock**

17 A. Livestock Officers and Deputy Livestock Inspectors shall inspect, other than equine
 18 previously inspected pursuant to Section 1354 and livestock subject to authorized self-inspection,
 19 livestock for health, marks and brands at loading stations, at places of exit from the Navajo
 20 Nation and at places where livestock are gathered to be sold, slaughtered, transported, conveyed,
 21 shipped or driven from their range for any purpose whatsoever, except when livestock are being
 22 moved from pasture to a destination within the Navajo Nation without leaving the exterior
 23 boundaries of the Navajo Nation and no change of ownership, slaughter or other disposition is
 24 involved and the owner is utilizing self-inspection approved by the department/division.
 25 Livestock officers and inspectors need not inspect outgoing livestock from feedlots, dairies and
 26 producers utilizing self-inspection but may conduct periodic inspections to ascertain compliance
 27 with this Chapter.

28 B. Brand Inspection shall be made by daylight only and in a manner, which enables the
 29 Livestock Officer and Deputy Livestock Inspector personally to see, inspect and record each and
 30 every mark, brand and/or other animal identification. Inspections of livestock for health at a

1 slaughterhouse may be made by other than daylight if adequate artificial light is provided.

2 C. Upon being advised that livestock is subject to inspection, livestock officers and
3 inspectors shall arrange for the inspection of the livestock and inspect such livestock within 96
4 hours.

5 D. Feed lots, dairies and producers utilizing self-inspection approved by the Division shall
6 comply with this Section and procedures established.

7
8 **§ 1253. Record of inspection; Disposition of record and copies.**

9 A. Livestock Officer and Deputy Livestock Inspectors shall make a record of all inspections
10 disclosing the place and date of the inspection, its purpose, the kind, sex and description
11 necessary to identify the livestock, the number of head running in every brand, mark and/or other
12 animal identification, the name of the seller if the livestock is to be sold, the name of the shipper
13 if the livestock is to be shipped, change of premise and other necessary information.

14 ~~The record of inspections shall be made in quadruplicate, the original of which shall be sent to~~
15 ~~the State Cattle Sanitary Board of the state wherein the inspection is made, the duplicate shall be~~
16 ~~sent to the Range and Livestock Department of the Navajo Nation, the triplicate furnished for the~~
17 ~~use of the person having the inspection made, and the quadruplicate retained by the inspector.~~

18 B. Feedlots, dairies and producers utilizing self-inspection approved by the Division shall
19 comply with this Section and procedures established by the Division.

20
21 **§ 1254. Inspection as to ownership of livestock.**

22 ~~Inspectors, in making inspections, shall require from the owner or person in charge of the~~
23 ~~livestock a list of the brands and marks and shall determine by inspection of the livestock that the~~
24 ~~person in charge is the owner or is authorized in writing to handle the livestock.~~

25 A. Livestock Officers and Deputy Livestock Inspectors, in making inspections, shall require
26 from livestock auctions or the owner or person in charge of the livestock a list of the brands and
27 marks or necessary evidence of ownership and shall determine by inspection of the livestock that
28 the person in charge is the owner or an approved livestock auction or is authorized in writing to
29 handle the livestock. If a person claims to own offspring of an equine that the person leased, the
30 livestock officer or inspector shall require that the owner of the equine obtain an ownership and

1 hauling certificate for the offspring and transfer ownership of the offspring to the lessee.

2 B. Feedlots, dairies and producers utilizing self-inspection approved by the
3 Department/Division shall comply with this Section and procedures.

4
5 **§ 1255. Seizure of livestock to be shipped by unauthorized person.**

6 If livestock to be shipped by rail or other conveyance or transport is upon inspection found not to
7 belong to the shipper, or if the handler is not authorized in writing to sell, ship, transport or drive
8 the livestock, it shall be taken by the Livestock Officer and Deputy Livestock Inspector.

9
10 **§ 1256. Certificate of inspection; delivery.**

11 A. Upon completion of an inspection, the Livestock Officer and Deputy Livestock Inspector
12 shall deliver to the person in charge of the livestock animals a certificate on a form provided by
13 the Range and Livestock Department disclosing the date of inspection, the purpose for which
14 inspected, the number, sex and kind of animals inspected, all their brands, animal identification
15 and the fee collected. therefor. The certificate of inspection shall have clearly imprinted on its
16 face the legend: "This certificate of inspection is not and shall not be used as a bill of sale."

17 B. Feedlots, dairies and producers utilizing self-inspection approved by the
18 Department/Division shall comply with this Section and procedures.

19
20 **§ 1257. Service charge and inspection fee; self-inspection; civil penalties.**

21 ~~Inspectors shall be paid an inspection fee of 50 cents (\$.50) per head of cattle, horses, mules and~~
22 ~~donkeys and 25 cents (\$.25) per head for sheep, goats and swine by the person in charge if the~~
23 ~~livestock inspected.~~

24 A. Livestock Officers and Deputy Livestock Inspectors shall collect from the person in
25 charge of cattle inspected a service charge plus an inspection fee per head for making inspections
26 for the transfer of ownership, change of premise, sale, slaughter or transportation of cattle.

27 B. Livestock Officers and Deputy Livestock Inspectors shall collect from the person in
28 charge of sheep inspected a service charge plus an inspection fee per head for making
29 inspections for the transfer of ownership, change of premise, sale, slaughter or transportation of
30 sheep.

1 C. Livestock Officers and Deputy Livestock Inspectors shall collect from the person in
2 charge of dairy cattle inspected a service charge plus an inspection fee per head for making
3 inspections for the transfer of ownership, change of premise, sale, slaughter or transportation of
4 dairy cattle.

5 D. The Department may approve self-inspection by feedlots and dairies. Movement shall be
6 documented on forms provided by the Department. Feedlots and dairies, which utilize self-
7 inspection, shall pay an outgoing inspection fee of fifty cents per head.

8 E. Service charges and inspection fees collected by the Livestock Officers and Inspectors,
9 feedlots and dairies utilizing self-inspection shall be remitted to the Division. Service charges
10 and inspection fees incurred by feedlots and dairies shall be remitted to the Department within 10
11 days after the end of the month in which the livestock were inspected.

12 F. Qualified Deputy Livestock Inspectors shall be compensated for their time as Livestock
13 Inspector to half of the service charge for each Livestock Inspection done by said person.

14 G. Service charge will be determined by the administrator of the Department with
15 consultation with surrounding state and Navajo Nation control that is in charge of Livestock
16 Inspection Service.

17
18 **§ 1258. Transportation of livestock, equine, animal, poultry and/or ratite by person**
19 **without certificate of inspection or health certification or validated auction invoices;**
20 **classification.**

21 A. Except as otherwise provided in this Chapter, it is unlawful for any ~~Indian~~ person, firm or
22 corporation to carry, transport or convey livestock, equine and ratite by any conveyance ~~other~~
23 than by railroad, without first having such livestock, equine and ratite inspected and having in
24 immediate possession the ~~triplicate~~ duplicate record of the inspection, an auction invoice issued
25 pursuant to Section 1261 or a registration or identification card issued pursuant to Section 1264
26 or Section 1265, and any person ~~Indian~~ who commits any such unlawful act is guilty of an
27 offense.

28 B. It is unlawful for any person to transport livestock, equine and ratite without his/her
29 issued certificate of inspection and any person who commits any such unlawful act is guilty of an
30 offense.

1 C. It is unlawful for any person to transport livestock, equine and ratite without the required
2 health documents/certificates as required by law and any person who commits any such unlawful
3 act is guilty of an offense.

4
5 **§ 1259. Alteration of certificate or record of inspection.**

6 Any person Indian who intentionally alters a certificate, auction invoice, bill of sale, or record of
7 inspection or copy thereof issued by a Livestock Officer or Deputy Livestock Inspector or other
8 agent of the Department board, is guilty of an offense.

9
10 **§ 1260. Substitution of livestock, equine, ratite and animals after issuance of certificate of**
11 **inspection.**

12 Any person Indian who removes livestock, equine, ratite and animals and substitutes another
13 therefore or adds other animals to a lot of livestock for which an inspection certificate has been
14 issued for shipment, sale or slaughter, ~~inspector has issued a certificate of inspection for~~
15 ~~shipment, sale or slaughter,~~ is guilty of an offense.

16
17 **§ 1261. Inspection of livestock to be slaughtered, sold or transported; fees; violation;**
18 **classification.**

19 A. Except as otherwise provided in this Section, livestock, other than equine previously
20 inspected pursuant to Section 1264 and livestock inspected at feedlots or dairies shall not be
21 slaughtered, sold, purchased, driven, transported, shipped or conveyed unless the animals have
22 been inspected by a Livestock Officer or Deputy Livestock Inspector for health, brands, animal
23 identification and marks before they are slaughtered, sold, purchased, driven, transported, change
24 of premise, shipped, or conveyed and the inspection fee paid.

25 B. The owner or agent of the owner of the livestock to be slaughtered, sold, driven,
26 transported, changed of premise, shipped, or conveyed as provided in Subsection A of this
27 Section shall notify the nearest livestock officer or inspector of that intention.

28 C. Equine consigned to either licensed livestock auctions or other special auctions approved
29 by the Department from out of state or from Indian reservations in this state or from other state
30 or federal agencies without prior inspection shall be inspected on delivery at an auction. Auction

1 buyers of these equine shall obtain a new ownership and hauling certificate within 30 days
2 pursuant to Section 1264. All equine sold at auctions shall be inspected out on an inspection
3 certificate or auction invoice and the seller shall pay a service fee per head.

4 D. Equine bearing the registered brand of the owners and/or other animal identification from
5 points of origin in this state, which do not have an ownership and hauling certificate, shall be
6 inspected before being transported to an auction or to immediate slaughter on an inspection form
7 provided by the Department. The seller shall pay a service fee per head and an administrative
8 service charge.

9 E. All livestock sold at auctions shall be inspected on an inspection certificate or auction
10 invoice validated by the Department. Equine may be transported within this state on either
11 document for 30 days after purchase at auctions described in this Section.

12 F. The owner or producer of livestock excluding equine may slaughter or transport to
13 another person to slaughter such livestock without having the animal inspected and without
14 paying the inspection fee or service charge if the meat of such slaughtered livestock is solely for
15 home consumption, ceremonial use by such owner providing that such owner contacts a
16 livestock officer or inspector within a 48 hour period prior to slaughter and is able to establish
17 proof of ownership either by a prior inspection certificate, by a recorded brand on the animal or
18 other animal identification or that the animal was raised by said owner. If proof of ownership
19 cannot be established to the satisfaction of the livestock officer or inspector then the livestock
20 officer or inspector may require an inspection prior to slaughter.

21 G. The Director may waive an inspection for brands and marks before the slaughter of an
22 animal if a Navajo Nation, federal or state certified meat inspector on the premises certifies on a
23 form provided by the Department that, as determined by an ante mortem inspection, the animal is
24 in a distressed condition and for humane reasons should be slaughtered immediately if it is
25 otherwise fit for slaughter and if the hide, carcass and certification are segregated and held
26 pending inspection for brands and marks. The Department Director may waive inspections
27 under this Subsection only for individual animals, and a separate certification shall be made for
28 each animal.

29 H. Livestock Officers or Inspectors shall not inspect livestock for health before they are
30 slaughtered at an establishment, which is subject to federal meat inspections as provided under

1 Chapter 7 of this Title.

2 I. A person violating this Section is guilty of an offense.

4 **§ 1262. Mobile slaughtering units; custom slaughtering; brand inspections.**

5 A. A mobile slaughtering unit or a locker plant slaughtering livestock on a custom basis
6 shall notify the local Livestock Officer or Inspector before any slaughtering operation. If brand
7 inspection of an animal is not conducted before slaughter, the mobile slaughterer or the locker
8 plant slaughtering the animal shall retain the hide for a 48 hour period for inspection by a
9 Livestock Officer or Inspector.

10 B. Mobile slaughtering units and locker plants which slaughter livestock shall maintain
11 accurate records of the number of animals slaughtered, their source and ownership and the
12 brands on the animals. These records shall be available for inspection by a Livestock Officer or
13 Inspector during regular business hours.

14 C. All locker plants and mobile slaughtering units licensed by the Navajo Nation or Federal
15 Agencies shall collect the brand inspection fees and all other fees provided for by law and rules
16 of the Director for each animal slaughtered and remit the fees to the Department.

18 **§ 1263. Unbranded livestock kept in close confinement; shipment, sale and inspection.**

19 A. Owners of livestock, other than equine, who do not have a recorded brand and who
20 maintain their animals in close confinement not exceeding 10 acres may transport their animals
21 to livestock auctions with the requirements of this Chapter.

22 B. Animals shipped, conveyed or transported under this Section shall be accompanied by
23 proof of ownership, such as auction invoices or inspection certificates which the owner received
24 at the time of purchase.

25 C. Any livestock, other than equine, that are transported, shipped or conveyed pursuant to
26 this Section and that have not been inspected by a Livestock Officer or Inspector within the
27 previous 48 hours shall be inspected at a Livestock Inspection Station by a Livestock Officer or
28 Deputy Livestock inspector before the sale, slaughter or change of ownership and all applicable
29 inspection fees shall be paid.

1 § 1264. Ownership and hauling certificates for equine; inspection; exemption;
 2 cancellation; civil penalty; fees.

3 A. Except as otherwise provided in this Act, owners or persons in charge of equine shall
 4 obtain ownership and hauling certificates before weaning for equine that are born on the Navajo
 5 Nation or within 30 days of the entrance date of all equine into the Navajo Nation. A person
 6 who fails to obtain a certificate within the prescribed time is subject to a civil penalty of \$2.50
 7 per day in excess of 30 days that the equine is in the Navajo Nation without a certificate, but not
 8 exceeding a total of \$150.00.

9 B. Livestock Officers or Deputy Livestock inspectors shall collect from the owner or person
 10 in charge of equine an inspection fee of \$25.00 per head for a permanent Navajo Nation Hauling
 11 Card.

12 C. Notwithstanding other Sections of this Title, ownership and hauling certificates issued
 13 pursuant to Subsection A of this Section shall be valid for the life of the animal or until
 14 transferred pursuant to Section 1265.

15 D. Ownership and hauling certificates issued with respect to any equine shall be surrendered
 16 to the Department if any of the following occurs:

- 17 1. The equine dies;
- 18 2. The equine is sold and shipped out of state; or
- 19 3. The equine is sent to slaughter or is disposed of for humane reasons.

20
 21 § 1265. Transfer of ownership and hauling certificates; issuance of new ownership and
 22 hauling certificates; fees; civil penalty.

23 A. The seller of any equine who has a valid ownership and hauling certificate for such
 24 animal and the buyer of such animal, except a person who has been issued an equine trader's
 25 permit pursuant to Section 1268, shall both complete and date a transfer request form. One copy
 26 of the transfer request form shall be given to the seller.

27 B. Within 30 days of the transfer of ownership of any equine, provided for in Subsection A
 28 of this Section, the buyer shall forward to the Department the ownership and hauling certificate,
 29 the original copy of the completed transfer request form and \$25.00 per head fee. Upon receipt,
 30 the Department shall issue a new ownership and hauling certificate to the transferee and a blank

1 transfer request form. Such certificate shall be valid for the life of the animal or until sold. A
2 person who fails to transmit the required transfer documents to the Department within the
3 prescribed time is subject to a civil penalty of \$2.50 per day in excess of 30 days that the
4 documents are not furnished to the Department, but not exceeding a total of \$150.00.

5 C. A Livestock trader permittee who purchases an equine on the Navajo Nation must receive
6 from the seller the ownership and hauling certificate and the original and buyer's copy of a
7 transfer request form with the seller's portion completed. When the equine is sold, the buyer
8 shall complete the buyer's portion of the form and comply with the requirements of Subsection B
9 of this Section.

10 D. A livestock trader permittee shall sign and enter his permit number on the transfer
11 document when he transfers ownership of an equine.

12
13 **§ 1266. Seasonal inspection for exhibition and summer/winter pastures livestock; fees.**

14 A. Seasonal inspection certificates may be issued for exhibition livestock for any purpose
15 other than slaughter, sale or trade. The fee for a seasonal brand inspection certificate is \$5.50 per
16 head of livestock in excess of 10.

17 B. A livestock officer or inspector shall issue a seasonal inspection certificate on the request
18 of the livestock's owner or his agent. The certificate shall state the date of issuance, the sex,
19 color and breed, the brand or brands and their location and any other identifying marks/devices
20 and the name of the owner of the livestock. The words "Seasonal Brand Inspection" shall be
21 written across the face of the certificate.

22 C. The certificate is valid for the calendar year of the date of issuance and shall accompany
23 the livestock while in transit.

24
25 **§ 1267. Penalties.**

26 Unless otherwise provided any person ~~Indian~~ who violates any Sections of this Chapter and is
27 convicted of such violation shall be subject to the following punishments:

28 A. For violation of Sections 1258 to 1266, he/she shall be sentenced to labor for a
29 period not to exceed 90 days or shall be fined a minimum fine of \$100.00 sum and not to
30 exceed \$1,000.00, or both.

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§ 1268. Livestock Trader Permit.

A. The Department of Agriculture shall issue a Livestock Trader Permit to an applicant who pays a fee of \$250.00 and who complies with the requirements of this Section. The permit is valid for one year from the date of issuance and may be renewed on payment of an annual renewal fee of \$250.00 and on compliance with the requirements of this Section.

B. Applications for initial and renewal permits shall contain the following information:

1. The full name of the applicant;

2. The applicant's business and residence addresses with the appropriate premise identification coordinates;

3. The date and place of the applicant's birth;

4. Statement of Intent;

5. Information concerning livestock trading permits held in other states and their status;

6. Information concerning any felony convictions within seven years before the date of application, including any convictions subsequently set aside or resulting in restoration of civil rights;

7. Any other information, which the Department may require;

8. Bond information. All Livestock Traders will be bonded before issuance of a Livestock Trader Permit; and

9. Livestock Trader must be knowledgeable and comply with individual animal identification and registration of change of premise for each livestock and equine purchase by such Livestock Trader.

C. The Director may adopt rules specifying additional information, which may be reasonably required to be submitted on an application for a Livestock Trader Permit or renewal of a permit to allow the Department to determine the fitness of the applicant to receive a permit or renewal of a permit.

D. The Director may deny, refuse to renew, suspend or revoke a Livestock Trader Permit pursuant to this Section and Section 1269, for any of the following reasons:

1. A violation of any Section of this Act or of any rule adopted pursuant to this Act;

1 2. The revocation or suspension for cause of and Livestock Trader Permit issued by
2 the Department or by any other state within five years before the date of application;

3 3. A conviction of a felony involving a crime related to the livestock trade
4 occupation within seven years before the date of application for a Livestock Trader
5 Permit; or

6 4. To maintain requirements of the BIA livestock buyer specifications under the
7 Code of Federal Regulations applicable to both, Non-Indians and Indians.

8
9 **§ 1269. Inventory and monthly report of Livestock traders; mandatory requirements.**

10 Livestock trader permittee shall maintain inventory records of all Livestock sold. The records
11 shall include the date sold, the ownership, premise number and hauling certificate number and
12 the name and address of the buyer. At the end of each month each livestock trader permittee
13 shall report to the Department the number of livestock bought and sold during the month. Each
14 livestock trader permittee shall also surrender to the Department each month all bill of sales,
15 ownership documents, and hauling certificates in his possession belonging to all livestock that
16 have been moved out of the Navajo Nation. Authorized representatives of the Department may
17 review the inventory records of any livestock trader permittee during normal business hours.

18
19 **§ 1270. Failure to possess a Livestock Trader Permit.**

20 Any person who trades livestock and fails to possess a Livestock Trader Permit in his/her
21 possession, is guilty of an offense

22
23 **§ 1271. Failure to comply with Livestock Trader Permit requirements.**

24 Any livestock trader who fails to comply with Livestock Trader Permit requirements shall be
25 guilty of an offense.

26
27 **§ 1272. Failure to stop at a livestock checkpoint.**

28 Any person who is transporting livestock, equine, buffalos or ratites and fails to stop at a
29 livestock checkpoint is guilty of an offense and shall be fined a minimum of \$50.00 and not to
30 exceed \$100.00 or 30 days in jail or both.

1
2 § 1273 Cruelty of animal-extreme cruelty of animal, penalties, exception:

3 A. Cruelty to Animals Prohibited:

4 1. Cruelty: It is unlawful for any person to willfully or maliciously kill, beat,
5 sexually abuse, maim, poison, disfigure or scald any animal, except that reasonable force
6 may be employed only to drive off and repel vicious or trespassing animals.

7 2. Molesting Animals: It is unlawful for any person to tease, annoy, disturb or
8 molest any animal, which is on the property of its owner, or under the control of its
9 owner.

10 3. Neglect:

11 a. It is unlawful for any owner of an animal to fail, refuse, or neglect to
12 provide said animal with proper and adequate food and water. Any animal
13 habitually kept outside shall be provided, by its owner, with a structurally sound,
14 enclosure large enough to accommodate the animal in a manner suitable for that
15 species, or other shelter suitable to the species.

16 b. An owner must keep the premise where an animal is kept free of garbage,
17 hazardous materials, insect infestation, and other debris that may endanger the
18 animal's health & safety.

19 c. An owner must provide an injured animal or sick animal with adequate
20 veterinary care so as to reduce suffering.

21 4. Abandonment: It is unlawful for any person to abandon any livestock, equine, or
22 animal within the Navajo Nation.

23 5. Animal Fights: It is unlawful for any person to promote stage, hold, manage,
24 conduct, or carry on any game, exhibition or contest in which one or more animals are
25 engaged for the purpose of injuring, killing, maiming or destroying themselves, or any
26 other animal.

27 B. This Section does not apply to:

28 1. The practice of veterinary medicine as provided in any applicable Navajo Nation
29 veterinary laws;

30 2. The treatment of livestock and other animals used on farms and ranches for the

1 production of food, fiber or other agricultural products, when the treatment is in
2 accordance with commonly accepted agricultural animal husbandry practices; and
3 3. Use of commonly accepted rodeo practices, unless otherwise prohibited by law.

4 C. Penalties:

5 1. Any person in violation of Subsection 1273 (A) (1) Cruelty will be fined a
6 minimum of \$500.00 not to exceed \$5,000.00 or sentenced to one year in jail or both

7 2. Any person in violation of Subsection 1273 (A)(2) Molesting Animal(s) will be
8 fined a minimum of \$500.00 not to exceed \$2,500.00 or sentenced to six months in jail or
9 both.

10 3. Any person in violation of Subsection 1273 (A) (3) Neglect will be fined a
11 minimum of \$250.00 not to exceed \$5,000.00 or sentenced to six months in jail or both.

12 4. Any person in violation of Subsection 1273 (A) (4) Abandonment will be fined a
13 minimum of \$500.00 not to exceed \$2,500.00 or sentenced to six months in jail or both

14 5. Any person in violation of Subsection 1273 (A)(5) Animal Fighting will be fined
15 a minimum of \$500.00 not to exceed \$2,500.00 or sentenced to six months in jail or both

16 D. Courts may also forfeit animals under this Section to the Navajo Nation. Section 1306
17 shall be applied for restitution purposes. Restitution shall be included but not limited to the
18 following: transportation costs, salary, veterinary medical fees and general feed and care
19 requirements of the forfeited animals.

20
21 § 1274. Penalties.

22 Any person who fails to comply with Sections 1268 to 1271 and is convicted of this violation
23 shall be fined a minimum of \$250.00 and not to exceed \$1,500.00, or have his/her Livestock
24 buying privilege within the jurisdiction of the Navajo Nation suspended for one year or both.

25
26 **Subchapter 5. Seizure of Livestock**

27
28 1301. When a Livestock Officer and Deputy Livestock Inspector may be seized
29 by an inspector livestock.

30 1302. Keeping Livestock following seizure; expenses; use of livestock in

1 criminal prosecution; sale of unclaimed livestock; non-liability of the
 2 Navajo Nation

3 1303. Report of Seizure; filing and docketing

4 1304. Setting time for hearing on ownership of seized stock; issuance of citation

5 1305. Service of citation on owner of stock seized; proceedings on default

6 1306. Hearing on claim; release or sale of stock seized; appeals

7 1307. Sale of seized stock; deposition of proceeds

8 1308. Seizure Holding and sale of stray animals; repossession before and after
 9 sale; non-liability of Navajo Nation

10 1309. Representation of Livestock Officer by Navajo Nation Prosecutor

11 1310. Notification required on seizure by government agencies

12 1311. Livestock or Equine Roundup Procedures and requirements

13 1312. Report by livestock officer or inspector; preliminary disposition of sale

14 1313. Payment of Proceeds of sale to owner of stray

15
 16 **§ 1301. When a Livestock Officer and Deputy Livestock Inspector may be seized by an**
 17 **inspector livestock.**

18 Livestock Officers or Deputy Livestock Inspector shall seize livestock, except unweaned animals
 19 running with their mother, wherever found, when the Livestock Officer questions the livestock's
 20 ownership. The question of ownership may be raised in the following circumstances:

21 A. The livestock is not branded as required by this Chapter;

22 B. The ownership of the livestock is questioned by the inspector or other person;

23 C. The livestock has brands so mutilated, indistinct, burned or otherwise disfigured as to be
 24 difficult of ascertainment;

25 D. The livestock bears a brand which is not recorded;

26 E. The livestock is freshly branded and not found with its mother;

27 F. The livestock has a brand or mark which is not the recorded brand or mark of the owner;

28 G. The livestock is that which is known as "leppy", "orejanas", "sleepers", "doggies" or
 29 "mavericks;"

30 H. Circumstances raising questions as to the livestock's ownership;

1 I. Circumstances involving livestock abandonment, neglect and cruelty;

2 J. Circumstances where the livestock endangers public safety and right-of-way areas; or

3 K. When an owner or user allows his or her livestock or livestock under his or her control to
 4 occupy or graze upon the lands of another, where notice of trespass is given by actual
 5 communication, posting, fencing, or other means calculated to give notice by a Livestock
 6 Officer.

7
 8 **§ 1302. Keeping livestock following seizure; expenses; use of livestock in criminal**
 9 **prosecution; sale of unclaimed livestock; non-liability of the Navajo Nation.**

10 A. When a Livestock Inspector has seized livestock, as provided by this Subchapter, he/she
 11 shall safely keep and care for it for a period of ~~25~~ seven days, during which any person may
 12 inspect the livestock.

13 B. The expenses of seizure, feeding and caring for livestock for the ~~25~~ seven day period
 14 shall be a charge against the ~~Range and Livestock~~ Department and paid from any fund available
 15 for that purpose, including ~~the from the "seizure fund~~ Livestock Custody Fund".

16 C. At any time prior to the expiration of ~~20~~ seven days after the seizure of livestock, the
 17 appropriate law enforcement officials may take charge of and keep the livestock at the expense
 18 of the Navajo Nation when deemed to be of evidentiary value in any criminal prosecution arising
 19 from the seizure.

20 D. The Director may contract with any person to handle, feed and care for livestock taken
 21 into custody under this Section. The Navajo Nation is not liable for the injury or death of any
 22 person or livestock or damage to property due to performance of the contract.

23 E. If the appropriate law enforcement officials have not possessed the seized livestock upon
 24 the expiration of the ~~20~~ seven days after its seizure, it shall be sold by the inspectors for cash to
 25 ~~the highest bidder at public~~ at a livestock auction or to a livestock buyer after five days notice
 26 given by posting written notice in three public places in the District where the livestock is held.
 27 Proceeds from the sale shall be transmitted to the ~~Range and Livestock~~ Department (~~or its~~
 28 ~~succcessor~~) to be deposited in the ~~seizure fund~~ Livestock Custody Fund and upon final
 29 determination of all actions arising from the seizure of the livestock the ~~Range and Livestock~~
 30 Department (~~or its succcessor~~) shall pay the proceeds to the persons entitled thereto under the

1 judgment of the court. The Department shall cause notice to be posted in three public places in
2 the district where the livestock are held stating that the livestock will be sold at public auction for
3 cash to the highest bidder. The notice shall be posted for seven days after the livestock have
4 been seized and at least five days before the sale. The notice shall state the location where the
5 livestock will be sold. Proceeds from the sale shall be transmitted to the Department to be
6 deposited in the Livestock Custody Fund established by Section 1302, and upon final
7 determination of all actions arising from the seizure of the livestock the Department shall pay the
8 proceeds, less the veterinary cost, hauling charges and expense of feeding and caring for such
9 livestock, to the persons entitled thereto under the judgment of the court. At the end of each
10 fiscal year, unencumbered funds in the seizure fund in excess of one thousand dollars (\$1,000)
11 shall revert to the general fund of the Navajo Nation

12 F. The amount received by the Department of Resource Enforcement shall be remitted to
13 the Controller of the Navajo Nation, and deposited in a special fund designated the "Livestock
14 Custody Fund". The "Livestock Custody Fund" may be used by the Department of Resource
15 Enforcement for the enforcement of any of Sections of this Chapter.

16 G. Any livestock or equine seized by a Livestock Officer or Deputy Livestock inspector, if
17 not vaccinated or proof of vaccination is not provided shall have said livestock or equine
18 vaccinated before transporting said livestock or equine to the seizure pens.

19 H. Whenever a Livestock Officer or Deputy Livestock Inspector finds any animal is or will
20 be without proper care because of injury, illness, and/or incarceration of as a result of the
21 absence of the owner or person responsible for the care of such animal, the Livestock Officer or
22 Deputy Livestock Inspector may enter the property or premises where said animal is located and
23 may take up such animal for protective care; and in the event of sickness or injury of the animal,
24 under the instruction of an accredited veterinarian, the Livestock Officer or Deputy Livestock
25 Inspector may take such as called for to prevent undue pain and suffering, including immediate
26 destruction of the animal.

27
28 **§ 1303. Report of seizure; filing and docketing.**

29 A. Livestock Officer or Deputy Livestock Inspectors shall forthwith report any seizure of
30 livestock pursuant to the provisions of this Subchapter to the appropriate law enforcement

1 officials and to the ~~Head of the Range and Livestock Department (or its successor)~~.

2 B. The report of the Livestock Officer or Deputy Livestock Inspector relating to the seizure
3 of livestock shall give a general description of the livestock seized, ~~and the brands and other~~
4 animal identifications, if any, together with the place of and reason for the seizure and the
5 probable value of the livestock and request that the owner and claimant be cited to appear and
6 prove ownership.

7 C. The ~~Head of the Range and Livestock Department (or its successor)~~ shall file the report
8 and shall file an action in the Navajo Nation Court in the name of the Navajo Nation, and against
9 the reputed owners of the livestock, if known, and if not known, against the unknown owners.

10
11 **§ 1304. Setting time for hearing on ownership of seized stock; issuance of citation.**

12 A. The clerk of the court shall enter a brief statement thereof on the docket and set a time for
13 hearing evidence of the ownership of the livestock, which shall be not less than ~~10~~ seven and not
14 more than ~~20~~ 15 days after the date the report is filed.

15 B. The clerk shall issue a citation directing all persons claiming the livestock, or any portion
16 thereof, to appear at the time set, and offer proof of ownership.

17 C. The citation shall be addressed to those whom it may concern. It shall set forth
18 substantially the facts given in the report. The citation shall be delivered to and served by the
19 Livestock Officer or Deputy Livestock Inspector who made the seizure, ~~or a member of the~~
20 ~~Navajo Police Department~~. The citation is returnable and shall be heard as a civil action ~~as in~~
21 ~~civil actions and shall be heard as such.~~

22
23 **§ 1305. Service of citation on owner of stock seized; proceedings on default.**

24 A. If the livestock seized is branded and marked with an adopted and recorded brand/~~or~~
25 mark, other animal identification, the citation shall be served upon the person who owns the
26 brand or mark as shown by the record in the brand book if such person can be found on the
27 Navajo Nation. The service shall be at least one day before the day set for the hearing and a copy
28 of the citation shall be posted in at least three public and conspicuous places in the District at
29 least ~~eight~~ five days before the day set for the hearing.

30 B. At the time set for hearing, the livestock inspector, or other officer, shall make return of

1 the citation to the court. If it appears that due service of the citation has been made, as required
2 by this Section, and no one appears to claim the livestock so seized, or any portion thereof,
3 within the time provided, the court shall thereupon adjudge the livestock forfeited to the Navajo
4 Nation and shall order it sold as provided in this Subchapter.

5
6 **§ 1306. Hearing on claim; release or sale of seized stock; appeals.**

7 A. If any person appears at the time fixed for the hearing and claims the livestock, or any
8 portion thereof, the claim shall be stated and the judge of the court shall enter upon the minutes
9 of the court the fact that the claim is made and the hearing shall proceed as in civil actions.

10 B. Livestock determined by the court to be owned by any person shall be released from
11 seizure, upon payment of the pickup and hauling charges and expenses of feeding and caring for
12 such livestock, and livestock not so adjudged, or the ownership of which is doubtful, shall be
13 forfeited to the Navajo Nation and ordered sold by the Livestock Officer or Deputy Livestock
14 Inspector at public auction at a convenient public place in the District where seized, upon a fixed
15 date after notice, as provided in 7 N.N.C. §709.

16 C. An appeal from the judgment maybe taken as in civil actions and shall be governed by
17 the same rules.

18
19 **§ 1307. Sale of seized stock; disposition of proceeds.**

20 A. Livestock Officer or Deputy Inspectors shall execute the order of sale made pursuant to
21 Section 1306 and deliver a bill of sale to the purchaser, describing ~~therein~~ the livestock sold and
22 the amount it sold for, and forward to the ~~Range and Livestock~~ Department (~~or its successor~~) a
23 duplicate of the bill of sale. Upon delivery of the bill of sale, title to the livestock shall pass to the
24 purchaser.

25 B. Livestock Officers or Deputy Livestock Inspectors shall immediately after the sale is
26 made, or after release to the owner who pays the hauling charges and expenses of feed and care
27 of such livestock, remit the proceeds thereof to the ~~Range and Livestock~~ Department (~~or its~~
28 ~~successor~~), together with an itemized statement of the expense of the seizure and sale, which
29 shall be paid as other claims.

30 C. The amount received by the ~~Range and Livestock~~ Department shall be remitted to the

1 Controller of the Navajo Nation, and deposited in a special fund designated the "~~seizure fund~~"
2 Livestock Custody Fund.

3 D. The "~~seizure fund~~" Livestock Custody Fund may be used by the ~~Range and Livestock~~
4 Department (~~or its successor~~) for the enforcement of ~~any of the provisions of this Chapter~~.

5
6 **§ 1308. Seizure Holding and sale of stray animals; repossession before and after sale; non-**
7 **liability of Navajo Nation.**

8 A. When a Livestock Officer or Deputy Livestock Inspector finds a stray animal he/she shall
9 attempt to locate the owner, and if located notify him/her where the animal may be found. If the
10 owner does not take immediate possession of the animal, or if the owner or claimant thereof is
11 unknown or cannot be located, the inspector shall seize the stray animal and sell it at public
12 auction to the highest bidder for cash, after giving at least ~~20~~ five days notice of the sale.

13 B. The Department shall cause notice to be posted and shall describe the animal to be sold
14 and shall state the time and place of sale said notice shall be posted in at least three public and
15 conspicuous places in the district wherein the animal was found at least ~~20~~ five days before the
16 date set for the sale. If the owner of the animal is known and can be located, a copy of the notice
17 shall also be delivered to the brand owner's residence personally at least ~~20~~ five days before the
18 sale. The notice shall state the location where the stray animal will be held and the location
19 where the animal will be sold.

20 C. The owner of a stray animal may take possession of the animal at any time prior to sale
21 by proving ownership, paying the inspection fee, and all expenses incurred in keeping and caring
22 for the animal. This will include trailer transportation plus pick up costs, mileage and
23 Department personnel man hours used in seizing this stray animal and any other cost incurred in
24 maintaining said livestock.

25 D. If the owner of the stray does not claim the animal before the day of sale, or if the owner
26 is unknown or cannot be located, the Livestock Officer or Deputy Livestock Inspector shall sell
27 the animal pursuant to the notice, and shall ~~execute and~~ deliver a bill of sale and a livestock
28 inspection certificate to the purchaser. The owner of an animal sold may take possession of it at
29 any time before the purchaser thereof sells it by paying to the purchaser the purchase price paid
30 at the sale, together with the expense of keeping and caring for the animal from the date of sale

1 to the time the owner takes possession of the animal.

2 E. Livestock Officer or Deputy Livestock Inspectors shall immediately after the sale is made
3 remit the proceeds thereof to the Range and Livestock Department (or its successor), together
4 with an itemized statement of the expenses of the seizure and sale, which shall be made as other
5 claims. The amount received by the Range and Livestock Department (or its successor) shall be
6 remitted to the Controller of the Navajo Nation and deposited in a special fund entitled Livestock
7 Custody Fund "seizure fund".

8 F. Livestock that are received at auction markets without proper documentation but with no
9 evidence of criminal intent by the shipper may be sold, but the Livestock Officer or Deputy
10 Livestock Inspector shall impound the proceeds of the sale in the Livestock Custody Fund
11 established by Section 1302. On presentation of proper documentation of ownership, the
12 Department shall pay the proceeds, less any charges incurred, to the person who is entitled to the
13 proceeds.

14 G. This Section shall also apply to cruelty, molested, neglect, abandonment and animal fight
15 livestock or equine.

16 H. The Director may contract with any person to handle, feed and care for stray animals
17 taken into custody under this Section. The Navajo Nation is not liable for the injury or death of
18 any person or stray animal or damage to property due to performance of the contract.

19
20 **§ 1309. Representation of livestock officer by Navajo Nation prosecutor.**

21 The Navajo Nation prosecutor of the District wherein the livestock is seized shall represent the
22 Livestock Officer or Deputy Livestock Inspector and the interests of the Navajo Nation in
23 proceedings under this Act.

24 **§ 1310. Notification required on seizure by government agencies.**

25 All Navajo, federal, state and local governmental agencies shall notify the Department within
26 two hours of any seizure of any livestock or property in or on which livestock is present or when
27 a person responsible for the care of any livestock is taken into custody and the person from the
28 tribal, federal, state or local governmental agency knows that the person taken into custody is
29 responsible for the care of any livestock.

30

1 § 1311. Livestock or equine roundup procedures and requirements.

2 A. Procedures:

3 1. District Grazing Committee members and Eastern Land Board members
4 (hereinafter "member") must assess the livestock body condition, availability of forage,
5 water and situation in their respective chapters and present their evaluation at the next
6 chapter meeting.

7 2. By resolution, the chapter will identify a team to coordinate roundup activities to
8 conduct the round up and recommend said livestock to be sold. The chapter will
9 designate a lead person for this team.

10 3. Upon receipt of chapter authorization, the chapter members shall identify all
11 available resources including, but not limited to, funds, feed, water troughs, manpower,
12 vehicles, and trailers. The chapter official shall provide assistance on an as needed basis.
13 The members shall also coordinate the roundup with the Resource Enforcement
14 Department, Livestock Officer or local Deputy Livestock Inspector, and the Department
15 of Agriculture.

16 4. Chapter members and livestock owners shall be given 10 days notice of the dates,
17 times, and location of the roundup. Such notice shall include posting of three written
18 notices at public places within the communities. Public services announcements may be
19 used for radio at the discretion of the chapter.

20 5. It is mandatory for a Livestock Officer or Deputy Livestock Inspector to be
21 present at all roundups and livestock sales to perform inspections and ensure compliance
22 with the livestock laws of the Navajo Nation as codified at Sections 1201 through 1523.

23 6. Process for the disposition of livestock gathered during the roundup:

24 a. All unclaimed and unbranded livestock shall be hauled to designated
25 holding pens.

26 b. Owners shall have five days to claim their stray animals which were
27 impounded. Proof of ownership shall be required with original documents only.

28 c. After the five-day claim period, the Department of Resource Enforcement
29 shall sell the remaining livestock.

30 d. The designated Livestock Officer or Deputy Livestock Inspector shall be

1 responsible for maintaining accurate records of the description, animal
2 identification (when applicable) and type of livestock gathered during the
3 roundup, the purchase price, date, and location of the sale. All records will be
4 submitted to the Department at the end of the roundup.

5 e. All proceeds from the sale of the livestock or equine shall be placed in the
6 "Livestock Custody Fund" account for 20 days. These funds shall be disbursed to
7 persons having a rightful claim to any livestock sold. Expenses for the
8 transportation, care, feeding and sale of the livestock shall be deducted from any
9 payments due.

10 f. After the 20-day period, the remaining funds, less expenses for the
11 transportation, care, feeding and sale of the livestock as submitted by the
12 Department of Resource Enforcement, Navajo Nation Veterinary and Livestock
13 Program, Department of Agriculture, and chapter, shall be deposited and
14 maintained in the "Livestock Custody Fund" account to be used by Department of
15 Resource Enforcement, Navajo Nation Veterinary and Livestock Program,
16 Department of Agriculture and Grazing Management Program.

17 g. Claims are to be submitted within 20 days of the seizure.

18 **B. Voluntary Sales.**

19 1. Chapter member(s) who choose to sell excess livestock during a roundup shall be
20 responsible for the transportation of their livestock to the sale site. Participants in the
21 scheduled livestock sales shall abide by the sale procedures established by Navajo Nation
22 Code and the Resource Enforcement Department.

23 2. It is recommended that all livestock owners evaluate their livestock and use the
24 following factors in deciding to market any or all of their livestock:

25 a. Excess or unwanted animals.

26 b. Cull animals.

27 1) Old or sick animals.

28 2) Infertile or sterile animals.

29 3) Undesirable breeding stock.

30 3. Any person refusing to cull animals as specified in this Section shall be sentenced

1 to imprisonment for a term not to exceed 30 days, or be ordered to pay a fine not to
2 exceed \$500.00, or both.

3 4. Forfeiture. Any animal found to be cull will be forfeited to the Navajo Nation and
4 destroyed upon order of a court of the Navajo Nation.

5 C. Emergency Conditions.

6 1. If Navajo Nation President declares an emergency and the Navajo Nation in the
7 midst of a severe drought and immediate action must be taken to alleviate the emergency
8 conditions.

9 2. All unbranded livestock rounded up will be sold immediately and branded
10 livestock shall be sold within two days of the roundup.

11 3. It is also imperative that Navajo livestock owners voluntarily participate in these
12 livestock sales by marketing excess or unwanted animals.

13 D. Interference with authorized roundups.

14 1. A person commits an offense pursuant to this Section if he or she interferes with
15 or obstructs an authorized roundup which has for its purpose the removal of unowned
16 horses or other livestock, or is for the purpose of determining ownership or is designed to
17 protect Navajo Nation land from destruction or injury.

18 2. Any person found guilty of violating this Section shall be sentenced to
19 imprisonment for a term not to exceed 30 days, or be ordered to pay a fine a minimum of
20 \$500.00 but not to exceed \$5,000.00 or both.

21
22 § 1312. Report by livestock officer or inspector; preliminary disposition of proceeds of
23 sale.

24 A. Upon making the sale as provided by Sections 1306 and 1307, the Livestock Officer or
25 Inspector shall notify the Division of the name of the purchaser, the time and place of sale, the
26 amount for which the animal was sold and a description of the animal showing the marks and
27 brands, if any, or other identifying marks and brands, shall pay to the Department the net
28 proceeds realized at the sale.

29 B. The Department shall place the amount realized from the sale of stray animals in the
30 Livestock Custody Fund established by Section 1302.

1
2 § 1313. Payment of proceeds of sale to owner of stray.

3 Upon making satisfactory proof of ownership of any animal sold as a stray within 20 days after
4 the sale, the Department shall pay to the owner of the animal the net proceeds realized at the sale
5 less any expenses incurred by the Navajo Nation and its entities.

6
7 **Subchapter 7. Offenses; Penalties**

8 1351. Gathering ~~eattle~~ livestock or equine for tournament or contest without
9 consent of owner.

10 1352. Driving livestock or equine from range without consent of owner;
11 classification.

12 1353. ~~Branding or altering brand of animal of another~~ Taking livestock or
13 equine without consent of owner; classification.

14 1354. ~~Obliterating or changing brand or mark~~ Branding or altering brand of
15 animal livestock or equine of another; classification.

16 1355. ~~Unlawful killing, selling or purchasing livestock of another~~ Obliterating
17 or changing brand, or mark or ear-mark.

18 1356. ~~Penalties~~ Prima facie guilt of owner of brand to which another brand is
19 altered.

20 1357. Unlawfully killing, selling, or purchasing livestock or equine of another;
21 classification; civil penalty; exception.

22 1358. Possession of livestock or equine without bill of sale.

23 1359. Proof of branding with brand of accused as tending to show conversion by
24 accused.

25 1360. Abandonment of livestock of equine and animals at boarding facility or
26 veterinary facility.

27 1361. Dogs killing or chasing livestock or equine; liability of owner;
28 classification.

29 1362. Person allowing livestock or equine to run at large within fence roadway
30 or residential area or withdrawn area.

1 1363. Failure to remove livestock or equine from fence roadway or residential
 2 area or withdrawn area.

3 1364. Failure to removed injured or dead livestock or equine.

4 1365. Penalties.

5 1366. Lawful fenced defined.

6 1367. Failure to close or maintained gates.

7 1368. Resisting or Obstructing a livestock officer or deputy livestock officer.

8 1369. Failure to obtained Premise Identification.

9 1370. Failure to properly tag livestock with individual identification.

10 1371. Failure to comply with grazing requirements.

11 1372. Unlawful introduction of livestock or equine on Navajo Nation Land
 12 without a valid Navajo Nation or Eastern Land Grazing Permit.

13 1373. Use of Undesirable Sires; Penalties.

14
 15 **§ 1351. Gathering eattle livestock or equine for tournament or contest without consent of**
 16 **owner.**

17 Any Indian person who knowingly gathers range eattle livestock or equine for the purpose of a
 18 rodee tournament or contest for amusement or reward, or competition for prizes, or who engages
 19 in a steer-tying contest or exhibition of steer-tying, or who casts, ropes or throws a horse, cow or
 20 other kind of animal without the written consent of the owner, except in the necessary work done
 21 on the range or elsewhere in handling such animals, is guilty of an offense.

22
 23 **§ 1352. Driving livestock or equine from range without consent of owner; classification.**

24 When livestock of a resident of the Navajo Nation is driven off its range, without the consent of
 25 the owner, by any Indian person as a drover of any herd or drove knowingly, such drover of
 26 livestock or equine and every Indian person engaged in the care or management of such herd or
 27 drove, is guilty of an offense.

28
 29 **§ 1353. Taking livestock or equine without consent of owner; classification.**

30 A person who knowingly takes from a range, ranch, farm, corral, yard or stable any livestock or

1 equine and uses it without the consent of the owner or the person having the animal lawfully in
2 charge is guilty of an offense.

3
4 **§ 1353 1354. Branding or altering brand of animal livestock or equine of another**
5 **classification.**

6 A. The Navajo Nation requires every individual owning livestock and equine to adopt and
7 record a brand and earmark with which to brand and mark such livestock; said brand can be
8 obtained with grazing permit or applied for from the state.

9 B. All Navajo-owned livestock and equine over six months of age grazing on the Navajo
10 Nation must be branded and maintain individual animal identification.

11 C. State brands can be acquired only under the provisions herein.

12 D. The Navajo Nation adopts the individual district brands plus the -N, location left
13 shoulder, as the official brand as assigned by Bureau of Indian Affairs and/or District Grazing
14 Committee and will accept a state brand and the specified state brand location if obtained within
15 the requirements of this Chapter.

16 E. Each Navajo livestock and equine owner who has or obtains a registered individual state
17 brand shall report to his/her respective District Grazing Committee showing proof of such active
18 state brand registration in order that said brand may be recorded on his/her grazing permit.

19 F. Any Indian person(s) or agent(s) who brands or marks ~~an animal~~ any livestock or equine
20 with a brand other than the recorded brand of the owner, or who effaces, defaces, alters or
21 obliterates any brand or mark upon any ~~animal~~ livestock or equine, with intent to convert the
22 ownership of the animal(s) feloniously to his/her own use, is guilty of an offense and is liable to
23 the owner of the animal for three times (3x) the value thereof.

24 G. A person who refuses to brand or mark his/her livestock or equine is guilty of an offense.
25 Branding and/or marking are required to show proof of ownership.

26 H. A person who commits a false reports of ownership and willfully makes a false report as
27 to the total number of livestock and/or equine owned, or refuses to make a true report of
28 livestock and/or equine ownership is guilty of an offense and shall be fined a minimum of
29 \$250.00 but not to exceed \$5,000.00.

30

1 **§1354 1355. Obliterating or changing brand, mark or ear mark.**

2 ~~Any Indian who~~ A person who intentionally obliterates, disfigures, extends or changes a
3 recorded brand, or by other and additional marks, figures or characters converts a recorded brand
4 into some other brand, is guilty of an offense.

5
6 **§ 1356. Prima facie guilt of owner of brand to which another brand is altered.**

7 When it is proved that a recorded brand has been converted or changed into another brand
8 claimed or owned by any person, it shall be prima facie evidence in the courts and before the
9 Department of the Navajo Nation that the claimant or owner of the latter brand obliterated,
10 disfigured and changed the prior recorded brand.

11
12 **§ 1355 1357. Unlawfully killing, selling or purchasing livestock or equine of another;**
13 **classification; civil penalty; exception.**

14 A. Any Indian person who feloniously or knowingly kills or sells livestock or equine, sheep,
15 goats or swine of another person, the ownership of which is known or unknown, or who
16 willfully, knowingly and feloniously purchases livestock or equine, sheep, goats or swine of
17 another person, the ownership of which is known or unknown, from a person not having the
18 lawful right to sell or dispose of such animals, is guilty of an offense.

19 B. A person who knowingly attempts to take or does take all or any part of a carcass of any
20 such livestock or equine, pursuant to Subsection A, for such person's own use, the use of others
21 or for sale is guilty of an offense.

22 C. In addition to any other penalty imposed by this Section, a person depriving the owner of
23 the use of his/her livestock or equine under Subsection A or B of this Section shall be liable to
24 the owner for damages equal to three times (3x) the value of such livestock or equine.

25 D. This Section shall not apply to animals under the stray laws or livestock roundups
26 procedures.

27
28 **§ 1358. Possession of livestock or equine without bill of sale.**

29 The possession of livestock or equine without a written and bill of sale can be used as prima
30 facie evidence for a charge of unlawful possession, handling, driving or killing of livestock or

1 equine.

2
3 **§ 1359. Proof of branding with brand of accused as tending to show conversion by accused.**

4 For violations of the livestock laws of the Navajo Nation, the prosecutor may prove, as tending
5 to show a conversion by the accused, that the animals in question were branded into a brand or
6 were marked into a mark claimed by the accused to be his brand or mark, although neither the
7 brand nor the mark is recorded.

8
9 **§ 1360. Abandonment of livestock or equine and animal at boarding facility or veterinary**
10 **facility.**

11 When livestock or equine or animal left at a boarding facility or any livestock, equine or animal
12 left at a veterinary facility has not been reclaimed within the period of time previously agreed
13 upon at the time of delivery of the livestock or animal to the boarding facility or veterinarian, the
14 boarding facility or veterinarian may give written notice by certified mail to the last known
15 address of the owner, possessor or custodian of the livestock, equine or animal, and if the
16 livestock, equine or animal is not reclaimed within 14 days from the date of the mailing of the
17 notice, the livestock, equine or animal shall become the property of the boarding facility or
18 veterinary facility to dispose of as the boarding facility or veterinary facility sees fit.

19
20 **§ 1361. Dogs killing, injuring or chase livestock or equine; liability of owner; classification.**

21 A. If any person discovers a dog killing, wounding or chasing livestock or equine, or
22 discovers a dog under circumstances which show conclusively that it has recently killed or
23 chased livestock or equine, he/she may pursue and kill the dog.

24 B. The owner of a dog is liable for all damages caused by the dog chasing, killing or
25 wounding livestock or equine; provided that the livestock or equine is within an area of
26 authorized use. In the case of a dog killing or wounding livestock or equine, the owner of the
27 dog is liable for damages to the owner of the livestock or equine to three times (3x) the value of
28 the livestock or equine killed or wounded including but not limited to veterinary expense and
29 other fees associated with damages.

30 C. No person shall keep any dog after it is known that dog is liable to kill or injure livestock.

1 and it shall be the duty of the owner to kill, or have killed, the dog upon order of the Navajo
2 Nation Animal Control Program after a finding that the dog has killed or injured livestock;
3 provided, however, that it shall be the right of any owner of livestock so killed or injured by the
4 actions of any dog or any person witnessing, such actions to kill such animal while it is upon
5 property controlled by the owner of the livestock. If a dog is observed attacking livestock and
6 wildlife (game animals), individuals authorized by the Director can take appropriate action to
7 prevent these actions.

8 D. An owner of a dog who recklessly allows or causes the dog to:

9 1. Wound or kill livestock or equine owned by another person is guilty of an
10 offense.

11 2. Chase livestock or equine owned by another person, causing injury to the
12 livestock or equine, is guilty of an offense.

13
14 **§ 1362. Person allowing livestock or equine to run at large within fence roadway or**
15 **residential area or withdrawn area.**

16 The owner or person in charge of livestock or equine, who recklessly allows or permits livestock
17 or equine to run at large within a fence roadway, or residential area, or withdrawn areas, is guilty
18 of an offense.

19
20 **§ 1363. Failure to remove livestock or equine from fence roadway or residential area or**
21 **withdrawn area.**

22 A. The owner or person in charge of livestock or equine, who fails to remove his/her
23 livestock equine from fenced roadway, or residential area, or withdrawn areas, is guilty of an
24 offense.

25 B. The owner or person in charge of livestock or equine who places, allows or enters
26 a withdrawn forest land for the purpose of grazing is guilty of an offense.

27
28 **§ 1364. Failure to remove injured or dead livestock or equine.**

29 A. The owner or person in charge of livestock or equine, who fail to removed his/her injured
30 or dead livestock or equine after being notified by an officer, is guilty of an offense.

1 B. If the livestock or equine owner fails to removed a dead or injured livestock or equine,
2 they will be responsible for all removal cost, care and disposal fees.

3
4 **§ 1356 1365. Penalties.**

5 Unless otherwise provided, any Indian person who violates any of the following provisions of
6 this Chapter and is convicted of such violation shall be subject to the following punishments:

7 A. For violation of the provisions of 3 N.N.C. §§1258-1260 and 1351, he/she shall be
8 sentenced to labor for a period not to exceed 30 days or shall be fined a sum not to exceed \$50,
9 or both.

10 B. For violation of the provisions of 3 N.N.C. §§1352 and 1354, he/she shall be sentenced to
11 labor for a period not to exceed 90 days or shall be fined a sum not to exceed \$100, or both.

12 C. For violation of the provisions of 3 N.N.C. §§1353 and 1355, he/she shall be sentenced to
13 labor for a period not to exceed six months or shall be fined a sum not to exceed \$100, or both.

14 A. For violation of Sections 1351 to 1364, he/she shall be sentenced for a period not to
15 exceed 180 days jail or shall be fined a minimum of \$200.00 not to exceed \$5,000.00, or both.

16 B. In addition, damages resulting from grazing in withdrawn areas, the offender will
17 be required to pay the Navajo Nation the fair market value of the damaged property and/or
18 restoration costs.

19 C. Restitution of three times (3x) the value of livestock, equine and ratite can be included to
20 the owner of the livestock, equine and ratite.

21
22 **§ 1366. Lawful fence defined.**

23 A. A fence shall be deemed a lawful fence when it is constructed and maintained with good
24 and substantial posts firmly placed in the ground at intervals of not more than 20 feet, upon
25 which posts are strung and fastened at least four strands of barbed wire the usual type tightly
26 stretched and secured to the posts and spaced so that the top wire is 50 inches above the ground
27 and the other wires at intervals below the top wire of 12, 22, and 32 inches. If the posts are set
28 more than 20 feet apart, the wires shall be supported by stays placed not more than seven to 10
29 feet from each other or from the posts, extending from the top wire of the fence to the ground,
30 and each wire of the fence securely fastened thereto.

1 B. All fences constructed other than as provided in Subsection A, or of other materials
2 equally as strong and otherwise effective to turn livestock as the fences described in Subsection
3 A, shall also be deemed lawful fences within the meaning of this Section.

4
5 **§ 1367. Failure to close or maintain gates.**

6 A person violates this Section when he/she fails to close or maintain gates intended for the
7 exclusive use of persons for convenience and the gates are left in such a condition which allows
8 livestock to access roadways. The gates are to be maintained in such a manner as to preclude the
9 possibility of livestock entering right-of-way areas and must be kept in a closed condition at all
10 times. If he/she fails to comply with this Section, he/she is guilty of an offense and shall be fine
11 of \$100.00 not to exceed \$500.00.

12
13 **§ 1368. Resisting or obstructing a Livestock Officer or Deputy Livestock Inspector.**

14 If any person interferes with the duty and responsibility of a Navajo Nation bona fide
15 commissioned Livestock Officer or Deputy Livestock Inspector in the performance of his/her
16 duties and responsibilities is guilty of an offense and shall be sentenced to 365 days in jail or a
17 minimum fine of \$500.00 not to exceed \$5,000.00 or both.

18
19 **§ 1369. Failure to obtained premise identification.**

20 Any person within the Navajo Nation who fails to obtained premise identification from their
21 respective Navajo Nation office is guilty of an offense and shall be fined a minimum of \$100.00
22 not to exceed \$500.00.

23
24 **§ 1370. Failure to properly tag livestock with individual identification.**

25 A. Any person within the Navajo Nation who fails to tag their livestock with their individual
26 RFID tag for cattle identification number is guilty of an offense and shall be fined a minimum of
27 \$25.00 per head not to exceed \$1,750.00.

28 B. Any person within the Navajo Nation who fails to properly tag their sheep and goats with
29 the approved Navajo Nation Animal Identification System is guilty of an offense and shall be
30 fined \$10.00 per head and shall not exceed \$3,500.00.

1
2 **§ 1371. Failure to comply with grazing requirements.**

3 Any person who fails to comply with grazing requirements of the Navajo Nation is guilty of an
4 offense and shall be fined a minimum of \$250.00 and not to exceed \$5,000.00.

5
6 **§ 1372. Unlawful introduction of livestock or equine on Navajo Nation land without a valid**
7 **Navajo Nation or Eastern Land grazing permit.**

8 A. No person shall introduce or allow his or her livestock or equine to graze on Navajo
9 Nation land without a valid Navajo Nation or Eastern Navajo grazing permit.

10 B. No person shall willfully grazes livestock and equine in excess of the permitted number
11 on Navajo Nation range, or refuse to graze his or her livestock and equine in accordance with
12 range-management plans which have implemented deferred grazing, or have reserved specific
13 areas for seasonal use.

14 C. Sentence. Any person found guilty of violating this Section shall be fined a minimum of
15 \$200.00 but not to exceed \$5,000.00.

16 D. Restitution. The courts, in addition, may require the offender to pay the Navajo Nation
17 the fair market value of the damaged property and/or restoration cost or any other cost associated
18 with removal of said livestock or equine. In lieu of cash, a fine, if levied, may be collect in
19 livestock.

20
21 **§ 1373. Use of undesirable sires; penalties**

22 A. Bulls grazed on open range shall be of a uniform breed, preferably registered breeds, and
23 limited to a 90-day breeding season, and the breed shall be determined by the permittee.

24 B. Ram shall be of the fine wool or meat type breed.

25 C. All stallions and studs must be maintained in an enclosed fence, and shall not be
26 permitted to roam at large on open range.

27 D. Stallions that are not used for breeding shall be castrated.

28 E. Any person who fails to comply with requirements of this Section shall be guilty of an
29 offense and fined a minimum of \$100.00 and not to exceed \$500.00 per offense.

1
2
3
4
5 **Subchapter 9. Health Requirement Offenses; Control of Contagious Diseases;**

6 **Penalties**

- 7
8 1501. Definitions (See §1201 Definitions).
- 9 1502. General powers and duties; Civil penalties.
- 10 1503. Control of animal diseases; Violation; classification; penalties.
- 11 1504. Cooperation with United States.
- 12 1505. Diseases; Inspections; Quarantine.
- 13 1506. Failure to report livestock, equine, ratite or poultry disease; offenses;
14 penalty.
- 15 1507. Failure to comply with quarantine requirements; offense; penalty.
- 16 1508. Dead animal; infectious animals; disposal.
- 17 1509. Infected pastures and buildings; notices.
- 18 1510. Unlawful removals of Quarantine notice or sign.
- 19 1511. Destruction of diseased livestock, equine, ratite or poultry.
- 20 1512. Acceptance of federal rules and regulations; cooperation.
- 21 1513. Dangerous epidemics; emergency rules; import prohibited; penalty.
- 22 1514. Health certificate requirements; inspection; permit; penalty.
- 23 1515. AGID test required (Agar Gel Immunno Diffusion Test).
- 24 1516. Equine infectious anemia.
- 25 1517. Investigation of suspected illegal imports; oaths; health certificate or
26 permit.
- 27 1518. Quarantine; seizure of livestock, equine, ratite, or poultry.
- 28 1519. Importation of livestock, equine, ratite or poultry.
- 29 1520. Failure to comply with importation requirements; penalty.
- 30 1521. Inspector in charge of premises.

1 1522. Slaughter for post-mortem examination.

2 1523. Quarantine Responsibility; Enforcement; Authority.

3
4 **§ 1501. Definitions**

5 (See §1201 Definitions)

6
7 **§ 1502. General powers and duties; civil penalties.**

8 A. The Director shall exercise general supervision over the livestock and equine interests of
9 the Navajo Nation, protect the livestock and equine industry from contagious and infectious
10 diseases and protect the public from diseased and unwholesome meat products.

11 B. The Director may, in with consultation with a Navajo Nation or federal veterinarian,
12 approve rules to control and govern:

13 1. Importation of livestock, animals and poultry into the Navajo Nation,
14 establishment of quarantine and its boundaries, notice of quarantine and accomplishment
15 of all things necessary to affect the object of the quarantine and to protect the livestock
16 and poultry industries from and prevent the spread of contagious or infectious diseases.

17 2. Dispatch of livestock, equine, animals and poultry affected with contagious or
18 infectious diseases and disposition of carcasses of livestock, animals and poultry so
19 destroyed, when the action appears necessary to prevent the spread of contagion or
20 infection among livestock, equine, animal, and poultry.

21 C. The Director may:

22 1. Enter into agreements with neighboring states including agreements regarding the
23 use of livestock officers or livestock inspectors or other agency resources for the purpose
24 of enforcement of livestock laws within the Navajo Nation or within border areas of
25 neighboring states.

26 2. Waive inspections, service charges or inspection fees under this Chapter in cases
27 the Director deems advisable.

28 3. Direct employees or law enforcement officers (Livestock Officers) to execute the
29 Director's orders under this Chapter.

30 D. The Director may establish a central investigation group to investigate reports of crimes

1 related to violation(s) of the contagious and infectious diseases involving livestock, equine, ratite
2 and poultry. Livestock officers and other employees of the Department shall report all cases of
3 apparent crimes related to violation(s) of the contagious and infectious diseases involving
4 livestock, equine, ratite and poultry to the Director. The investigation officer/group shall
5 cooperate and coordinate its activities with appropriate federal, state and local law enforcement
6 agencies in apprehending and prosecuting violators of livestock laws.

7 E. Govern the importation of livestock, equine, ratite, animals and poultry into the Navajo
8 Nation by carrier or rail to insure that the animals are free from infectious disease.

9 F. Implement speedy, and effective suppression and eradication of disease among livestock,
10 equine, ratite and poultry.

11 G. To prevent spreading or contracting of infectious or contagious diseases among livestock,
12 equine, ratite, and poultry including requirements for inspection of livestock, equine, ratite and
13 poultry shipped or transported, or to be shipped or transported by common carrier, contract
14 carrier, private carrier or in any other manner whatever, whether the shipping or transporting is
15 in interstate or intrastate commerce, or both, and to require an owner, before moving livestock,
16 equine, ratite and poultry in such manner, to furnish an inspection certificate in the form required
17 by the Director.

18 H. The Director may establish and declare any district to be an infected District wherein
19 diseased or infected livestock, equine, ratite and poultry are found or have recently been grazed
20 or driven. The Director may order livestock, equine, ratite and poultry in the infected district or
21 which are exposed to be moved, treated, disinfected or cured under quarantine regulations
22 provided for by this Title.

23 I. Subsections A to H shall be conducted in conjunction with the recommendations of
24 Navajo Nation Veterinary and Livestock Program.

25
26 **§ 1503. Control of animal diseases; violation; classification; penalties.**

27 A. Livestock and equine owners are responsible for the annual vaccinations and deworming
28 of livestock and equine for the prevention of disease and the reduction of parasites.

29 B. The Navajo Nation or federal veterinarian may enter any place where a suspected
30 livestock, equine, ratite or poultry may be and take custody of the animal or poultry for the

1 purpose of determining the presence of a contagious, infectious or communicable disease.

2 C. When advised of the occurrence of a disease of livestock, equine, ratite or poultry, which
 3 constitutes a threat to the livestock, equine, ratite or poultry industries, the Director may issue
 4 lawful orders and adopt rules he deems necessary.

5 D. Should the disease mechanism involve a foreign animal disease, the NNERFAD plan will
 6 be activated

7 E. The Director may request NNLVP veterinarian or federal veterinarian or Department of
 8 Resource Enforcement Rangers, or Navajo Nation Fish and Wildlife, Environmental Protection
 9 Agency Enforcement Officers or Navajo Department of Public Safety to:

10 1. Establish quarantines and define their boundaries.

11 2. Destroy livestock, equine, ratite, animals or poultry when necessary to prevent the
 12 spread of any infectious, contagious or communicable disease.

13 3. Appoint authorized appraisers for the purpose of indemnifying owners of
 14 livestock, equine, ratite or poultry destroyed.

15 4. Control the movement of livestock, equine, ratite, animals or poultry products and
 16 agricultural products, which may be directly related to dissemination of diseases affecting
 17 the livestock, equine, ratite, animals or poultry industries.

18 F. Any person who violates any lawful order or rule issued pursuant to the Act, or breaks
 19 any quarantine established by the NNVLV, or federal veterinarian for the prevention and control
 20 of disease among livestock, equine, animals, ratite, or poultry, is guilty of an offense and is
 21 subject to a minimum \$250.00 fine not exceed \$5,000.00 or 365 days jail or both.

22
 23 **§ 1504. Cooperation with United States.**

24 In addition to other powers and duties conferred upon him by law, the Director may cooperate
 25 with the Animal and Plant Health Inspection Service (APHIS) of the United States Department
 26 of Agriculture, or other agency of the United States vested with similar powers and duties, in the
 27 control of contagious or infectious diseases affecting livestock, equine, ratite and poultry.

28
 29 **§ 1505. Diseases; inspection; quarantine.**

30 A. The Navajo Nation shall activate the NNERFAD plan when a foreign animal disease is

1 suspected.

2 B. The Navajo Nation may use all proper means to prevent the spread of dangerous and fatal
3 diseases among livestock, equine, ratite and poultry and for the prevention of such diseases. If a
4 disease breaks out in the Navajo Nation, it is the duty of all persons owning or having in their
5 charge livestock, equine, ratite or poultry infected to immediately notify the Navajo Nation of the
6 existence of such disease. The Navajo Nation shall cause proper examination to be made by a
7 NNVLP or federal veterinarian and, if the disease is found to be a dangerously contagious or
8 infectious malady, the Navajo Nation shall order the diseased livestock, equine, ratite or poultry
9 that have been exposed to be strictly quarantined and shall order any premises or farms where
10 such disease exists or has recently existed to be put in quarantine so that no livestock, equine,
11 ratite or poultry subject to the disease is removed from or brought to the premises or places so
12 quarantined. The Navajo Nation shall prescribe such rules as it deems necessary to prevent the
13 disease from being communicated in any way from the premises so quarantined.

14 C. The Navajo Nation may expend funds to prevent, suppress, control or eradicate any
15 disease or parasite of livestock that the Navajo Nation has been ruled and declared to be a
16 disease or pest of significant economic impact to any segment of the livestock, equine, ratite and
17 poultry industry. This power shall include the right to purchase and destroy or sell infected or
18 exposed livestock.

19 D. Whenever the Navajo Nation finds any livestock, equine, ratite or poultry infested with a
20 disease or pest declared by the Navajo Nation to be of significant economic impact, the Navajo
21 Nation may request the President of the Navajo Nation to declare a state of emergency.

22
23 **§ 1506. Failure to report livestock, equine, ratite or poultry disease; offenses; penalty.**

24 A. Any person who has in his/her possession or under his/her care any livestock, equine,
25 ratite or poultry that he/she knows or has reason to believe is affected with a disease shall
26 without unnecessary delay notify the NNVLP or District Grazing Committee member or Eastern
27 Land Board member or the Department of Resource Enforcement in which the livestock, equine,
28 ratite or poultry is situated.

29 B. All accredited veterinarians practicing within the Navajo Nation boundaries shall
30 immediately notify the Navajo Nation Veterinary Livestock Program or the Department of

1 Resource Enforcement of any reportable disease incidents.

2 C. A person who violates this Section is guilty of an offense and upon conviction shall be
3 fined a minimum of \$100.00 not to exceed \$5,000.00 or 365 days in jail or both.

4
5 § 1507. Failures to comply with quarantine requirements; offense; penalty.

6 A. A person shall not bring into Navajo Nation to sell or dispose of any livestock, equine,
7 ratite or poultry known to be affected or exposed to disease or move diseased or exposed
8 livestock, equine, ratite or poultry from quarantine area within the Navajo Nation declared to be
9 infected with a disease.

10 B. A person shall not bring into Navajo Nation any diseased livestock, equine, ratite or
11 poultry from an area outside the Navajo Nation that may at any time be legally declared to be
12 infected with a disease without the consent of the Navajo Nation.

13 C. A person who violates this Section is guilty of an offense and upon conviction shall be
14 fined a minimum of \$150.00 not exceed to \$5,000.00 or 365 days in jail or both.

15 D. Restitution: Any necessary expenses incurred in the quarantining of the livestock, equine,
16 ratite or poultry shall be paid by the owner, and if the same is refused, after demand made by
17 order of the Navajo Nation, an action may be brought to recover the same with costs of suit,
18 which action may be brought in the name of the Navajo Nation.

19
20 § 1508. Dead animals; infectious animals; disposal.

21 A. As provided by regulations of the Navajo Nation, all carcasses of dead animals shall be
22 properly disposed of by the owners according to the approved or recommended method by the
23 Federal Agencies.

24 1. Approved landfill or approved disposal site by Navajo Nation Environmental
25 Protection Agency.

26 2. Disposal shall not create or endanger the public health, safety or welfare, or create
27 a public nuisance.

28 B. A person commits an offense pursuant to this Section if he or she willfully refuses to
29 dispose of animals found to be infectious by authorized agents of the Navajo Nation Veterinary
30 and Livestock Program or federal veterinarian.

1 C. Any person found guilty of violating this Section shall be sentenced to imprisonment for
2 a term not to exceed 30 days, or be ordered to pay a fine of \$500.00 but not to exceed \$1,000.00,
3 or both.

4 D. It will be the responsibility of the owner for the euthanasia and disposal of any animal
5 found to be infectious as determined by a Navajo Nation veterinarian or federal veterinarian.

6
7 **§ 1509. Infected pastures and buildings; notices.**

8 If a pasture, building, corral, yard or enclosure where livestock, equine, ratite, or poultry have
9 been or may be pastured or confined is infected with or has become dangerous on account of a
10 disease or poisonous weed or plant, the Navajo Nation may post danger or quarantine notices in
11 not less than two conspicuous places in or upon such pasture, building, corral, yard or enclosure
12 sufficient to warn all owners and others in charge of livestock, equine, ratite or poultry of the
13 danger or quarantine. When the danger has passed or the quarantine is lifted, the NNERFAD task
14 force shall require the posted notices to be removed.

15
16 **§ 1510. Unlawful removals of quarantine notice or sign.**

17 Any person who removes a posted notice of danger or quarantine is guilty of an offense and shall
18 be fined a minimum of \$250.00 not to exceed \$5,000.00 or 365 days in jail or both.

19
20 **§ 1511. Destruction of diseased livestock, equine, ratite or poultry.**

21 In cases where the Navajo Nation deems it necessary to destroy any diseased, infected or
22 exposed livestock, equine, ratite or poultry in order to prevent the spread of dangerous and fatal
23 diseases, foreign, domestic or other, which according to the rules, regulations and standards
24 recommended by the United States Department of Agriculture Animal and Plant Health
25 Inspection Service (APHIS) cannot be prevented by means other than the destroying of the
26 diseased, infected, or exposed livestock, equine, ratite, animal or poultry, the Navajo Nation may
27 have the livestock, equine, ratite, animal, or poultry humanly euthanized and disposed of under
28 such laws, orders and rules as mandated by the Navajo Nation.

29
30 **§ 1512. Acceptance of federal rules and regulations; cooperation.**

1 The President of the Navajo Nation may accept on behalf of the Navajo Nation, the rules and
2 regulations prepared by the Secretary of the United States Department of Agriculture relating to
3 the control of diseases of livestock, equine, ratite or poultry and to cooperate with the authorities
4 of the United States in the enforcement of all applicable laws and regulations relating to diseased
5 livestock, equine, ratite or poultry.

6
7 **§ 1513. Dangerous epidemics; emergency rules; imports prohibited; penalty.**

8 A. When the Navajo Nation finds that a disease, the nature of which is known to be fatal or
9 highly injurious to livestock, equine, ratite, or poultry, has become epidemic or exists in a
10 locality in a country, state or territory beyond the limits of the Navajo Nation, the Navajo Nation
11 shall immediately adopt and promulgate emergency rules to prohibit the importation into the
12 Navajo Nation of any animals, including livestock, equine, ratite, or poultry, subject to the
13 disease that may be so reported.

14 B. The Navajo Nation shall specify such restrictions and safeguards as it deems proper and
15 shall specify for the protection of livestock in the Navajo Nation and may also prohibit the
16 importation into the Navajo Nation of any hoofs, hides, skins or meat of any animals or any hay,
17 straw, fodder, cottonseed or other products or material determined to carry the infection of such
18 disease.

19 C. Emergency rules may be adopted and promulgated without the notice and hearing
20 required of other rules and shall take effect immediately. If the Navajo Nation contemplates that
21 an emergency rule will be in effect for longer than 90 days, it shall give notice and hold a hearing
22 to adopt the emergency rule as a rule.

23 D. Any person who violates this Section or an emergency rule or order issued in accordance
24 with this Section is guilty of a offense and upon conviction shall be fined a minimum \$250.00
25 fine not to exceed \$1,500.00 or sentenced to 180 days jail or both and is also liable in a civil
26 action for any damages and loss sustained by reason of such importation of the livestock or of
27 any of the products provided for in this Section.

28
29 **§ 1514. Health certificate requirements; inspection; permit; penalty.**

30 A. During the time covered by the emergency rule, it shall be unlawful for a person to drive

1 or transport or cause to be driven or transported into or within the Navajo Nation any livestock
2 that by any direct or circuitous route might have come from any place or district covered by the
3 emergency rule without first having obtained a certificate of health from a veterinarian or a
4 permit in writing from the Navajo Nation under such rules as the Navajo Nation prescribes.

5 B. A person failing to comply with this Section is guilty of an offense and upon conviction
6 shall be fine a minimum of \$75.00 not to exceed \$200.00 or sentenced to 90 days jail or both,
7 and is also personally liable for all loss and damages sustained by any persons by reason of the
8 introduction of a disease from the livestock unlawfully imported into the Navajo Nation.

9 C. During the time covered by the emergency rule, all livestock desiring to enter the Navajo
10 Nation shall submit to an inspection and shall not be permitted to enter the Navajo Nation until a
11 written permit is issued by the Navajo Nation. A Navajo Nation Livestock Officer or Deputy
12 Livestock Inspector or other agent of the Navajo Nation may require the person in charge of the
13 livestock to produce the permit for his inspection, and any person refusing to produce the permit
14 at any time within a year from the time the livestock were driven in is guilty of an offense and
15 shall be fined a minimum of \$100.00 not to exceed \$500.00 or sentenced to 60 days jail or both.

16
17 **§ 1515. AGID test required (Agar Gel Immuno Diffusion Test).**

18 The Navajo Nation prohibits the driving or transporting into the Navajo Nation of any equine or
19 other equine that have not tested negative to the AGID, or Coggins test or a United States
20 Department of Agriculture-approved equivalent test for equine infectious anemia within 12
21 months prior to the date of entry, the evidence of which test result shall be shown on a health
22 certificate; excepting from regulation only those foals accompanied in shipment by a negative-
23 tested dam, those horses or other equine consigned directly to slaughter.

24
25 **§ 1516. Equine infectious anemia.**

26 A. Any equine found to be positive to the immuno diffusion test or any other recognized test
27 for equine infectious anemia shall be placed under quarantine by the Navajo Nation or federal
28 veterinarian. Any such positive equine shall be identified with either a hot iron brand or a freeze
29 iron brand on the neck. Such brand shall contain "84A", followed by the case number assigned
30 by the Navajo Nation or federal veterinarian. Any equine placed under quarantine shall be

1 pastured or stabled in a suitable place a minimum of 100 yards from any equine belonging to any
2 other owner or shall be stabled in a screened enclosure which prevents insects from entering or
3 leaving such enclosure.

4 B. Any equine placed under quarantine for equine infectious anemia may be moved only
5 with a permit from the Navajo Nation or federal veterinarian.

6
7 **§ 1517. Investigation of suspected illegal imports; oaths; health certificate or permit.**

8 A. Whenever the Navajo Nation, during the continuance in force of any prohibition against
9 the importation into the Navajo Nation of livestock, equine, ratite or poultry has good reason to
10 believe or suspect that any such livestock, equine, ratite or poultry against the importation of
11 which prohibition then exists have been or are about to be driven, conveyed or transported into
12 the Navajo Nation in violation of any such prohibition then existing and then in force, it is the
13 duty of the Navajo Nation, either by its own members or through a veterinarian or through one or
14 more of such persons then in their employ as circumstances shall seem to require, to thoroughly
15 investigate the same.

16 B. They may examine, under oath or affirmation, any person in charge of the livestock,
17 equine, ratite or poultry or any person cognizant of any facts or circumstances material to the
18 investigations and all facts connected with the driving or transportation of the livestock, equine,
19 ratite or poultry, including the place or places from which the livestock, equine, ratite or poultry
20 have been driven or transported; the places or districts through which they have been driven or
21 transported; the length of time and where they have remained, fed or grazed at any designated
22 place or district; what contagious or infectious disease of livestock, equine, ratite or poultry, if
23 any, they have been exposed to and when and where; and any other facts or circumstances
24 material to the investigation and reduce such testimony to writing in all cases where the
25 certificate of health or the permit in writing provided for in this Section shall be refused.

26 C. The Navajo Nation, a NNVLP veterinarian and all other persons as afore mention so in
27 the employ of the Navajo Nation through whom any such investigation shall be made hereby are
28 authorized to administer all oaths and affirmations required in any such investigation. If any such
29 investigation is made by such veterinarian and he/she is satisfied that the livestock, equine, ratite
30 or poultry are free from all contagious and infectious disease and will not communicate any

1 disease to any livestock, equine, ratite or poultry in the Navajo Nation, he/she shall deliver to the
2 person in charge of the livestock, equine, ratite or poultry a certificate of health to the effect that
3 the livestock, equine, ratite or poultry are healthy and entitled to pass into the Navajo Nation,
4 otherwise he/she shall refuse the same.

5 D. If such investigation is made by any other persons authorized as specified in this Section
6 to make the investigation and they are satisfied that the livestock will not transmit to the
7 livestock, equine, ratite or poultry in the Navajo Nation any livestock, equine, ratite or poultry
8 disease and that the facts and circumstances attending their transportation warrant the
9 presumption that such livestock, equine, ratite or poultry are not from any prohibited areas, a
10 recommendation that the importation of the livestock, equine, ratite or poultry shall then be
11 permitted, shall be communicated to the Navajo Nation and the Navajo Nation shall upon
12 concurrence give the person in charge of the livestock, equine, ratite or poultry a written permit
13 to pass the same into the Navajo Nation, otherwise such permit shall be refused.

14
15 **§ 1518. Quarantine; seizure of livestock, equine, ratite or poultry.**

16 A. Whenever any livestock, equine, ratite or poultry are driven or transported into the
17 Navajo Nation without obtaining a certificate of health or permit by the person in charge thereof,
18 in any case where a certificate or permit is required and if such livestock, equine, ratite or poultry
19 have been inspected and an investigation had in relation thereto and the certificate or permit
20 refused, then the livestock, equine, ratite or poultry may be seized and securely held in
21 quarantine under such reasonable rules and regulations as shall be prescribed therein by the
22 Navajo Nation and as they may deem necessary to guard against other livestock, equine, ratite or
23 poultry becoming affected with any such livestock, equine, ratite or poultry diseases.

24 B. They shall be held in quarantine for such length of time as the Navajo Nation shall in
25 their opinion deem necessary for the sanitary protection of livestock, equine, ratite or poultry in
26 the Navajo Nation.

27 C. If such livestock, equine, ratite or poultry shall not have been so inspected and an
28 investigation had, then the same shall take place wherever the livestock, equine, ratite or poultry
29 may be found, and they may be seized and held for that purpose and a certificate of health or
30 permit granted or refused, as the case may require. If refused, the livestock, equine, ratite or

1 poultry may in like manner be held in quarantine.

2 D. The owners of the livestock shall pay all the necessary expenses of quarantine and
3 inspection and disposal under this Section.

4
5 **§ 1519. Importation of livestock, equine, ratite or poultry.**

6 A. It is unlawful for any person, firm, or corporation to ship, transport or drive into the
7 Navajo Nation any livestock, equine, ratite or poultry unless such livestock, equine, ratite or
8 poultry are accompanied by an official health certificate, except livestock, equine, ratite or
9 poultry going to immediate slaughter. Such health certificate shall show the names and addresses
10 of the consignor and the consignee and the kinds of livestock, equine, ratite or poultry, with a
11 description of each, including sex, breed, and age. Individual identification is required on any
12 breeding cattle and on any swine and equine, except those going to immediate slaughter. Such
13 health certificate shall show the permit number when a permit is required.

14 B. The information on such health certificate shall be legible, and a licensed accredited
15 veterinarian of the state of origin shall sign such certificate.

16 C. One copy of such certificate shall accompany the livestock, equine, ratite or poultry.

17 D. No livestock, equine, ratite or poultry known to be infected with or known to be exposed
18 to any infectious or contagious disease shall not be imported into Navajo Nation.

19 E. Livestock, equine, ratite or poultry shall also meet all federal interstate requirements.

20
21 **§ 1520. Failure to comply with importation requirements; penalty.**

22 Any person, firm, or corporation who violates or disregards Section 1519 is guilty of an offense
23 and/or, upon conviction thereof, shall be fined by a minimum of \$100.00, not to exceed
24 \$1,000.00, for each offense or sentenced to six months in jail or both.

25
26 **§ 1521. Inspectors in charge of premises.**

27 A. Whenever the Navajo Nation finds it necessary to quarantine any livestock, ranch, farm,
28 premises, or any portion of the Navajo Nation because of contagious or infectious disease, said
29 NNERFAD Plan has the authority to hold in quarantine such ranch, farm, premises, or part of the
30 Navajo Nation, the Navajo Nation may deem necessary after all animals have been removed

1 there from, until such time as in the judgment of the Navajo Nation there is no further risk of
2 exposing domestic animals to disease by permitting them to inhabit such quarantined area.

3 B. The Navajo Nation has the authority to employ special Livestock Officer whenever it
4 deems it necessary to be in charge of such quarantined animals or quarantined premises, under
5 the direction of the Navajo Nation Veterinary and Livestock Program.

6
7 **§ 1522. Slaughter for post-mortem examination.**

8 A. The Navajo Nation may order the humane euthanasia and post-mortem examination of
9 any one or more diseased domestic animals if the exact nature of their disease is not readily
10 ascertained through other means.

11 B. All livestock, equine, ratites, or poultry infected with a suspect foreign animal disease
12 shall be forfeited to the Navajo Nation without compensation to the owner of said livestock,
13 equine, ratites, or poultry.

14
15 **§ 1523. Quarantine responsibility; enforcement; authority.**

16 A. The Navajo Nation shall quarantine any infected domestic animal or area within the
17 Navajo Nation to prevent the spread of infectious or contagious disease.

18 B. Livestock Officers are law enforcement officers and shall have the powers of law
19 enforcement officers with respect to Title 3 and Title 17, relating to livestock, and shall cite,
20 apprehend or arrest any person who violates the health and quarantine laws, and shall, upon
21 reliable information that any person has violated such law, make the necessary affidavits for
22 arrest and examination of the person and shall, upon warrants issued therefore, immediately
23 arrest the person.

24
25 **Title 3, Navajo Nation Code**
26 **Chapter 13. Livestock Brands**

27
28 **§ 2001. Requirements (Reserved)**
29
30

1 ~~A. The Navajo Nation requires every individual owning range livestock to adopt and~~
2 ~~record a brand and earmark with which to brand and mark such livestock; said brand can be~~
3 ~~obtained with grazing permit or applied for from the state.~~

4 ~~B. All Navajo owned cattle and horses over six months of age grazing on the Reservation~~
5 ~~proper must be branded on the left shoulder with the alphabetical district brands and the N, or~~
6 ~~with a state recorded brand that is used with the requirements of this Chapter.~~

7 ~~C. State brands can be acquired only under the provisions herein.~~

8 ~~D. The Navajo Nation adopts the individual district brands plus the N, location left~~
9 ~~shoulder, as the official brand as assigned by Bureau of Indian Affairs and/or District Grazing~~
10 ~~Committee and will accept a state brand if obtained within the requirements of this Chapter and~~
11 ~~such adoption may include old custom brands.~~

12 ~~E. Each Navajo livestock owner who has or obtains a registered individual state brand~~
13 ~~shall report to his/her respective District Grazing Committee showing proof of such active state~~
14 ~~brand registration in order that said state brand may be recorded on his/her reservation grazing~~
15 ~~permit.~~

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Title 13. Navajo Nation Code
Health and Welfare
Chapter 9. Dog and Cat Control

§ 1707. Injury to livestock (Reserved)

A. ~~If a dog shall kill or injure any livestock, the owner or keeper of such animal shall be liable for all damages that may be sustained thereby, to be recovered by the party so injured; provided that the livestock is within an area of authorized livestock use.~~

~~B. No person shall keep any dog after it is known that dog is liable to kill or injure livestock, and it shall be the duty of the owner to kill, or have killed, the dog upon order of the Licensing Authority after a finding that the dog has killed or injured livestock; provided, however, that it shall be the right of any owner of livestock so killed or injured by the actions of any dog or any person witnessing, such actions to kill such animal while it is upon property controlled by the owner of the livestock. If a dog is observed attacking livestock and wildlife (game animals), individuals authorized by the Director can take appropriate action to prevent these actions.~~

Title 17. Navajo Nation Code

Law and Order

Chapter 3. Offenses

Subchapter 6. Trespass and Burglary

§350. Criminal trespass

A. Offense. A person commits criminal trespass if he or she intentionally and knowingly, and without consent or permission of the owner, user, or person in lawful possession thereof:

1. ~~E~~ enters upon, remains or traverses upon private, allocated or allotted lands or other property not his or her own;

2. ~~Allows his or her livestock or livestock under his or her control to occupy or graze upon the lands of another, where notice of trespass is given by actual communication, posting, fencing, or other means calculated to give notice.~~

B. Sentence.

1. The trial court shall review all charges to ascertain whether there is a personal victim of the offense(s) and whether restitution or nályééh shall be paid to the victim(s).

2. The trial court may utilize the services of the Navajo Peacemaker Court to determine nályééh and make a sentencing recommendation regarding that sentence, and the trial court may require the defendant to pay the fee of the peacemaker.

3. The trial court may consider the imposition of a peace or security bond upon the defendant, including the pledges of family or clan sureties.

4. Upon the imposition of a bond or security pledges, the district Office of Probation and Parole shall counsel the sureties of the consequences of breach of the bond or pledge.

5. The trial court shall consider the utility of labor or community service sentences, under the supervision of the Navajo Nation Department of Public Safety or a public or private organization, including the chapter in which the defendant resides.

Chapter 3. Offenses

Subchapter 17. Animals; Livestock (Reserved)

~~460. Cruelty to animals.~~

1 ~~461. Misbranding.~~

2 ~~462. Refusing to brand livestock.~~

3 ~~463. Grazing violation.~~

4 ~~464. False reports of ownership~~

5 ~~465. Interference with authorized roundups~~

6 ~~466. Refusal to dispose of cull or infectious animals~~

7
8 **§ 460. Cruelty to animals**

9 ~~A. Offense. A person commits cruelty to animals if he or she intentionally or knowingly~~
10 ~~tortures or cruelly mistreats any animal.~~

11 ~~B. Sentence.~~

12 ~~1. Any person found guilty of cruelty to animals may be sentenced to imprisonment for a~~
13 ~~term not to exceed 30 days, or be ordered to pay a fine not to exceed one hundred dollars~~
14 ~~(\$100.00), or both.~~

15 ~~2. The trial court shall review all charges to ascertain whether there is a personal victim~~
16 ~~of the offense(s) and whether restitution or nályééh shall be paid to the victim(s).~~

17 ~~3. The trial court may utilize the services of the Navajo Peacemaker Court to determine~~
18 ~~nályééh and make a sentencing recommendation regarding that sentence, and the trial court may~~
19 ~~require the defendant to pay the fee of the peacemaker.~~

20 ~~4. The trial court may consider the imposition of a peace or security bond upon the~~
21 ~~defendant, including the pledges of family or clan sureties.~~

22 ~~5. Upon the imposition of a bond or security pledges, the district Office of Probation and~~
23 ~~Parole shall counsel the sureties of the consequences of breach of the bond or pledge.~~

24 ~~6. The trial court shall consider the utility of labor or community service sentences, under~~
25 ~~the supervision of the Navajo Nation Department of Public Safety or a public or private~~
26 ~~organization, including the chapter in which the defendant resides.~~

27 **§ 461. Misbranding**

28 ~~A. Offense. A person commits misbranding if he or she brands or marks an animal with~~
29 ~~a brand other than the recorded brand of the owner, or alters or obliterates any brand or mark on~~

30

1 any animal not his or her own, with intent to convert the animal to his or her or some third
2 person's use without the consent of the owner.

3 ~~———— B. Sentence.~~

4 ~~———— 1. The trial court shall review all charges to ascertain whether there is a personal victim~~
5 ~~of the offense(s) and whether restitution or nályééh shall be paid to the victim(s).~~

6 ~~———— 2. The trial court may utilize the services of the Navajo Peacemaker Court to determine~~
7 ~~nályééh and make a sentencing recommendation regarding that sentence, and the trial court may~~
8 ~~require the defendant to pay the fee of the peacemaker.~~

9 ~~———— 3. The trial court may consider the imposition of a peace or security bond upon the~~
10 ~~defendant, including the pledges of family or clan sureties.~~

11 ~~———— 4. Upon the imposition of a bond or security pledges, the district Office of Probation and~~
12 ~~Parole shall counsel the sureties of the consequences of breach of the bond or pledge.~~

13 ~~———— 5. The trial court shall consider the utility of labor or community service sentences, under~~
14 ~~the supervision of the Navajo Nation Department of Public Safety or a public or private~~
15 ~~organization, including the chapter in which the defendant resides.~~

16
17 **§ 462. Refusing to brand livestock**

18 ~~———— A. Offense. A person commits an offense pursuant to this Section if he or she willfully~~
19 ~~refuses to brand or mark his or her livestock, where such branding or marking is required in the~~
20 ~~interest of ownership identification.~~

21 ~~———— B. Sentence.~~

22 ~~———— 1. The trial court shall review all charges to ascertain whether there is a personal victim~~
23 ~~of the offense(s) and whether restitution or nályééh shall be paid to the victim(s).~~

24 ~~———— 2. The trial court may utilize the services of the Navajo Peacemaker Court to determine~~
25 ~~nályééh and make a sentencing recommendation regarding that sentence, and the trial court may~~
26 ~~require the defendant to pay the fee of the peacemaker.~~

27 ~~———— 3. The trial court may consider the imposition of a peace or security bond upon the~~
28 ~~defendant, including the pledges of family or clan sureties.~~

29 ~~———— 4. Upon the imposition of a bond or security pledges, the district Office of Probation and~~
30 ~~Parole shall counsel the sureties of the consequences of breach of the bond or pledge.~~

1 ~~5. The trial court shall consider the utility of labor or community service sentences, under~~
2 ~~the supervision of the Navajo Nation Department of Public Safety or a public or private~~
3 ~~organization, including the chapter in which the defendant resides.~~

4
5 **§ 463. Grazing violation**

6 ~~A. Offense. A person commits an offense pursuant to this Section if he or she:~~

7 ~~1. Allows his or her stock to graze on Navajo Nation land without a grazing permit;~~

8 ~~2. Introduces or causes to be introduced, any livestock onto unallotted lands of the~~
9 ~~Reservation without a permit;~~

10 ~~3. Willfully grazes livestock in excess of the permitted number on a Navajo Nation range,~~
11 ~~or refuses to graze his or her livestock in accordance with range management plans which have~~
12 ~~implemented deferred grazing, or have reserved specific areas for seasonal use.~~

13 ~~B. Sentence.~~

14 ~~1. The trial court shall review all charges to ascertain whether there is a personal victim~~
15 ~~of the offense(s) and whether restitution or nályééh shall be paid to the victim(s).~~

16 ~~2. The trial court may utilize the services of the Navajo Peacemaker Court to determine~~
17 ~~nályééh and make a sentencing recommendation regarding that sentence, and the trial court may~~
18 ~~require the defendant to pay the fee of the peacemaker.~~

19 ~~3. The trial court may consider the imposition of a peace or security bond upon the~~
20 ~~defendant, including the pledges of family or clan sureties.~~

21 ~~4. Upon the imposition of a bond or security pledges, the district Office of Probation and~~
22 ~~Parole shall counsel the sureties of the consequences of breach of the bond or pledge.~~

23 ~~5. The trial court shall consider the utility of labor or community service sentences, under~~
24 ~~the supervision of the Navajo Nation Department of Public Safety or a public or private~~
25 ~~organization, including the chapter in which the defendant resides.~~

26 ~~C. The court, in addition to or in lieu of the sentence imposed pursuant to Subsection (B)~~
27 ~~of this Section, may require the offender to pay damages equal to the value of the forage~~
28 ~~consumed, and salaries and expenses of Navajo Nation employees for the time incurred in~~
29 ~~making investigation and reports. In lieu of cash, a fine, if levied, may be collected in livestock.~~

30

1 **§ 464. False reports of ownership**

2 ~~_____ A. Offense. A person commits an offense pursuant to this Section if he or she willfully~~
3 ~~makes a false report as to the total number of stock owned, or refuses to make a true report of~~
4 ~~stock ownership.~~

5 ~~_____ B. Sentence.~~

6 ~~_____ 1. The trial court shall review all charges to ascertain whether there is a personal victim~~
7 ~~of the offense(s) and whether restitution or nályééh shall be paid to the victim(s).~~

8 ~~_____ 2. The trial court may utilize the services of the Navajo Peacemaker Court to determine~~
9 ~~nályééh and make a sentencing recommendation regarding that sentence, and the trial court may~~
10 ~~require the defendant to pay the fee of the peacemaker.~~

11 ~~_____ 3. The trial court may consider the imposition of a peace or security bond upon the~~
12 ~~defendant, including the pledges of family or clan sureties.~~

13 ~~_____ 4. Upon the imposition of a bond or security pledges, the district Office of Probation and~~
14 ~~Parole shall counsel the sureties of the consequences of breach of the bond or pledge.~~

15 ~~_____ 5. The trial court shall consider the utility of labor or community service sentences, under~~
16 ~~the supervision of the Navajo Nation Department of Public Safety or a public or private~~
17 ~~organization, including the chapter in which the defendant resides.~~

18
19 **§ 465. Interference with authorized roundups**

20 ~~_____ A. Offense. A person commits an offense pursuant to this Section if he or she interferes~~
21 ~~with or obstructs an authorized roundup which has for its purpose the removal of unowned~~
22 ~~horses or other livestock, or is for the purpose of determining ownership or is designed to protect~~
23 ~~Navajo Nation land from destruction or injury.~~

24 ~~_____ B. Sentence.~~

25 ~~_____ 1. The trial court shall review all charges to ascertain whether there is a personal victim~~
26 ~~of the offense(s) and whether restitution or nályééh shall be paid to the victim(s).~~

27 ~~_____ 2. The trial court may utilize the services of the Navajo Peacemaker Court to determine~~
28 ~~nályééh and make a sentencing recommendation regarding that sentence, and the trial court may~~
29 ~~require the defendant to pay the fee of the peacemaker.~~

30

1 ~~3. The trial court may consider the imposition of a peace or security bond upon the~~
2 ~~defendant, including the pledges of family or clan sureties.~~

3 ~~4. Upon the imposition of a bond or security pledges, the district Office of Probation and~~
4 ~~Parole shall counsel the sureties of the consequences of breach of the bond or pledge.~~

5 ~~5. The trial court shall consider the utility of labor or community service sentences, under~~
6 ~~the supervision of the Navajo Nation Department of Public Safety or a public or private~~
7 ~~organization, including the chapter in which the defendant resides.~~

8
9 **§ 466. Refusal to dispose of cull or infectious animals**

10 ~~A. Offense. A person commits an offense pursuant to this Section if he or she willfully~~
11 ~~refuses to dispose of animals found to be cull or infectious by authorized agents of the Navajo~~
12 ~~Nation or of the United States Government.~~

13 ~~B. Sentence.~~

14 ~~1. The trial court shall review all charges to ascertain whether there is a personal victim~~
15 ~~of the offense(s) and whether restitution or nályééh shall be paid to the victim(s).~~

16 ~~2. The trial court may utilize the services of the Navajo Peacemaker Court to determine~~
17 ~~nályééh and make a sentencing recommendation regarding that sentence, and the trial court may~~
18 ~~require the defendant to pay the fee of the peacemaker.~~

19 ~~3. The trial court may consider the imposition of a peace or security bond upon the~~
20 ~~defendant, including the pledges of family or clan sureties.~~

21 ~~4. Upon the imposition of a bond or security pledges, the district Office of Probation and~~
22 ~~Parole shall counsel the sureties of the consequences of breach of the bond or pledge.~~

23 ~~5. The trial court shall consider the utility of labor or community service sentences, under~~
24 ~~the supervision of the Navajo Nation Department of Public Safety or a public or private~~
25 ~~organization, including the chapter in which the defendant resides.~~

26 ~~C. Forfeiture. Any animal found to be cull or infectious may be forfeited to the Navajo~~
27 ~~Nation and destroyed upon order of a court of the Navajo Nation.~~

28
29 **Chapter 3. Offenses**

30 **Subchapter 22. Forests and Woodlands Violations**

1
2 **§ 524. Grazing livestock on withdrawn forest lands (Reserved)**

3 ~~— A. Offense. A person commits an offense pursuant to this Section if he or she~~
4 ~~intentionally or knowingly:~~

5 ~~— 1. Places or allows livestock to enter upon Navajo forests or woodlands properly~~
6 ~~withdrawn for scientific research and/or experimental uses;~~

7 ~~— 2. Places or allows livestock to enter upon Navajo forests or woodlands properly~~
8 ~~withdrawn to rehabilitate a watershed or to regenerate a forest.~~

9 ~~B. Sentence:~~

10 ~~— 1. A person found guilty of violating the provisions of this Section may be ordered to pay~~
11 ~~a fine not to exceed five thousand dollars (\$5,000).~~

12 ~~— 2. The trial court shall review all charges to ascertain whether there is a personal victim~~
13 ~~of the offense(s) and whether restitution or nályééh shall be paid to the victim(s).~~

14 ~~— 3. The trial court may utilize the services of the Navajo Peacemaker Court to determine~~
15 ~~nályééh and make a sentencing recommendation regarding that sentence, and the trial court may~~
16 ~~require the defendant to pay the fee of the peacemaker.~~

17 ~~— 4. The trial court may consider the imposition of a peace or security bond upon the~~
18 ~~defendant, including the pledges of family or clan sureties.~~

19 ~~— 5. Upon the imposition of a bond or security pledges, the district Office of Probation and~~
20 ~~Parole shall counsel the sureties of the consequences of breach of the bond or pledge.~~

21 ~~— 6. The trial court shall consider the utility of labor or community service sentences, under~~
22 ~~the supervision of the Navajo Nation Department of Public Safety or a public or private~~
23 ~~organization, including the chapter in which the defendant resides.~~

24 ~~— C. Restitution. The court, in addition or in lieu of the sentence, may require the offender~~
25 ~~to pay the Navajo Nation the fair market value of the damaged property and/or restoration costs.~~