



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA
Business Committee Conference Room-2nd Floor Norbert Hill Center
May 1, 2019
9:00 a.m.

- I. Call to Order and Approval of the Agenda**

- II. Minutes to be Approved**
 - 1. April 17, 2019 LOC Meeting Minutes (pg. 2)

- III. Current Business**
 - 1. Domestic Animals Law Amendments (pg. 4)

- IV. New Submissions**
 - 1. Legislative Procedures Act Amendments (pg. 109)

- V. Additions**

- VI. Administrative Updates**
 - 1. Children's Code Review Modification Memo (pg. 110)
 - 2. Amending Boards, Committees and Commissions Law Stipends Resolution (pg. 112)
 - 3. Research Requests: Review and Approval to Conduct (pg. 117)
 - 4. FY 19 Second Quarterly LOC Report (pg. 120)

- VII. Executive Session**

- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
April 17, 2019
9:00 a.m.

Present: David P. Jordan, Daniel Guzman King, Kirby Metoxen, Jennifer Webster, Ernest Stevens III (arrived at 9:10 a.m.)

Excused:

Others Present: Maureen Perkins, Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Kristen Hooker, Leyne Orosco, Bonnie Pigman, Rae Skenandore, Lee Cornelius, Michelle Gordon, Jennifer Berg-Hargrove

I. Call to Order and Approval of the Agenda

David P. Jordan called the April 17, 2019 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to approve the agenda; seconded by Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

III. Current Business

1. Domestic Animals Law Amendments (:41-2:39)

Motion by Jennifer Webster to accept the Domestic Animal Law Amendments public meeting comments and comment review memorandum and defer to a work meeting for further consideration; seconded by Daniel Guzman King. Motion carried unanimously.

IV. New Submissions

1. GTC Petition Process (2:40-7:40)

Motion by Jennifer Webster to add GTC Petition Process to the active files list with a high priority and Daniel Guzman King as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

Amendment by Daniel Guzman King to direct the LRO to work with Chief Counsel to draft a resolution and return to the LOC for a statement of effect; seconded by Jennifer Webster. Motion carried unanimously.

2. Indian Preference in Contracting Law Amendments (7:42-14:29)

Motion by Jennifer Webster to add the Indian Preference in Contracting law to the active files list with a medium priority and Ernest Stevens III as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.



V. Additions

VI. Administrative Items

1. Children's Code Update (14:32-34:48)

Motion by Kirby Metoxen to accept the 6th Children's Code Quarterly Update and forward to the Oneida Business Committee with changes to the 161 agreements narrative; seconded by Jennifer Webster. Motion carried unanimously.

2. Boards, Committees, and Commissions Law Amendments (34:49-57:23)

Motion by Kirby Metoxen to deny adding the Boards, Committees, and Commissions law amendments to the active files list and to complete a review of the law after one (1) year; seconded by Ernest Stevens III. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Ernest Stevens III to adjourn the April 17, 2019 Legislative Operating Committee meeting at 9:57 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee
May 1, 2019

Domestic Animals Law Amendments

| | |
|--------------------------------------|--------------------------------|
| Submission Date: 9/19/18 | Public Meeting: 3/11/19 |
| LOC Sponsor: Jennifer Webster | Emergency Enacted: n/a |

Summary: *This is a request to make necessary changes and updates to the law in regard to issues with violations, enforcement and appeals, procedure at hearings, restitution, citations, and vicious and dangerous dogs.*

9/19/18 LOC: Motion by Jennifer Webster to add the Domestic Animals Ordinance to the active files list and assign Jennifer Webster as the Sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

10/5/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Kelly McAndrews, Eric Boulanger, Michelle Myers, Jeff Mears, Vanessa Miller, Steve Linskens, Laura Manthe. The purpose of this work meeting was to begin identifying potential amendments that can be made to the law, and discussing areas that could benefit from further discussion.

10/23/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Kelly McAndrews, Jeff Mears, Vanessa Miller, Steve Linskens, Laura Manthe, Brenda Haen, Eric Krawczyk. The purpose of this work meeting was to finish reviewing the law and discussing potential amendments that could be made.

11/9/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Jeff Mears, Vanessa Miller, Steve Linskens, Jennifer Falck, Eric Boulanger, Michelle Myers. The purpose of this work meeting was to review research that was completed, and discuss parking lot issues from prior meetings. The LRO will update the draft and schedule another work group meeting before the draft is presented to the LOC.

12/13/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Eric Boulanger, Chad Wilson, Laura Manthe, Steve Linskens, Shad Webster, Patrick Pelky. The purpose of this work meeting was to review and discuss the proposed draft of the amendments before the draft is presented to the LOC for consideration.

12/19/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the proposed draft created by the work group with the LOC, and determine the next steps for moving forward. Attorney will update the draft, and a legislative analysis will be completed.

1/16/19 LOC: Motion by Jennifer Webster to accept the draft and the legislative analysis of the amendments to the Domestic Animals law and defer these items to a work meeting for further consideration; seconded by Ernest Stevens III. Motion carried unanimously.

- 1/16/19:** *Work Meeting.* Present: Jennifer Webster, Kirby Metoxen, Daniel Guzman, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the policy considerations contained in the legislative analysis.
- 1/25/19:** *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck, Shad Webster, Eric Boulanger, Steve Linskens, Michelle Meyers, Vanessa Miller, Jeff Mears. The purpose of this work meeting was to review and discuss the fine, penalty, and licensing fee schedule resolution, discuss complaints received from the community, and discuss fiscal impacts.
- 2/6/19 LOC:** Motion by Jennifer Webster to approve the public meeting packet and direct that a public meeting for the amendments to the Domestic Animals law be held on Monday, March 11, 2019; seconded by Kirby Metoxen. Motion carried unanimously.
- 2/26/19:** *Work Meeting.* Present: Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Eric Boulanger, Joel Maxam, Shad Webster, Jeff Mears, Steve Linskens. The purpose of this work meeting was to discuss: 1) the timeframe to adoption of the proposed amendments and the various deadlines required for that; 2) what is required in the fiscal impact statements that each department will be completing for the LOC; and 3) implementation and any tasks that will need to be completed for the law to be successfully implemented.
- 3/8/19:** *Work Meeting.* Present: Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Joel Maxam, Steve Linskens, Vanessa Miller, Jacy Rasmussen. The purpose of this work meeting was to discuss the various standard operating procedures that will have to be created based on the proposed amendments and what department will be responsible for the development of each one. During this work meeting potential fiscal impacts and the development of fiscal impact statements were also discussed.
- 3/11/19:** *Public Meeting Held.* Present: Kirby Metoxen, Clorissa N. Santiago, Brandon Wisneski, Lee Cornelius, Jennifer Falck, Kristen Hooker, Joel Maxam, Steve Linskens, Laura Manthe, Robert Keck, James Petitjean. No oral comments were made during this public meeting.
- 3/20/19 LOC:** Motion by Daniel Guzman King to approve the fiscal impact statement memorandum and forward to the Environmental, Health, Safety, and Land Division, Oneida Police Department, Oneida Nation Judiciary, and the Oneida Land Commission directing that a fiscal impact statement of the proposed amendments to the Domestic Animals law be prepared and submitted to the LOC by April 19, 2019; seconded by Ernest Stevens III. Motion carried unanimously.
- 4/17/19 LOC:** Motion by Jennifer Webster to accept the Domestic Animal Law Amendments public meeting comments and comment review memorandum and defer to a work meeting for further consideration; seconded by Daniel Guzman King. Motion carried unanimously.
- 4/17/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and consider all the public comments that were received. The LOC then determined what revisions were necessary to make to the draft. Draft will be updated and an adoption packet prepared.

Next Steps:

- Accept the updated public meeting comment review memorandum and updated draft.
- Approve the adoption packet for the proposed amendments to the Domestic Animals law and forward to the Oneida Business Committee for consideration.
- Approve the resolution titled, “Domestic Animals Law Fine, Penalty, and Licensing Fee Schedule” and forward to the Oneida Business Committee for consideration.
- Approve the resolution titled, “Prohibited Animals under the Domestic Animals Law” and forward to the Oneida Business Committee for consideration.



TO: Legislative Operating Committee (LOC)
FROM: Clorissa N. Santiago, Legislative Reference Office, Staff Attorney
DATE: May 1, 2019
RE: Domestic Animals Law Amendments: Public Meeting Comment Review

On March 11, 2019, a public meeting was held regarding proposed amendments to the Domestic Animals law (“the Law”). The public comment period was then held open until March 18, 2019. This memorandum is submitted as a review of the oral and written comments received within the public meeting and public comment period.

On April 17, 2019, the Legislative Operating Committee reviewed and considered all public comments that were received.

Comment 1 – Prohibited Animals Resolution:

304.10. Prohibited Animals

304.10-2. Prohibited Animals. Prohibited animals include the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

(a) *Class Mammalia.*

- (1) **Order Chiroptera.** This includes all bat species.
- (2) **Order Artiodactyla.** This includes hippopotamuses, giraffes, camels, and deer, but does not include domestic cattle, swine, sheep, goats, alpaca, and llama as exotic animals.
- (3) **Order Carnivora.**
 - (A) **Family Felidae.** This includes lions, tigers, cougars, leopards, ocelots, and servals, but does not include domestic cats as exotic animals.
 - (B) **Family Canidae.** This includes wolves, wolf hybrids, coyotes, coyote hybrids, foxes, and jackals, but does not include domestic dogs as exotic animals.
 - (C) **Family Ursidae.** This includes all bears.
 - (D) **Family Mustelidae.** This includes weasels, skunks, martins, and minks, but does not include ferrets as exotic animals.
 - (E) **Family Procyonidae.** This includes raccoons, and coatis.
 - (F) **Family Hyaenidae.** This includes hyenas.
 - (G) **Family Viverridae.** This includes civets, genets, and mongooses.
- (4) **Order Edentalia.** This includes anteaters, armadillos, and sloths.
- (5) **Order Marsupialia.** This includes opossums, kangaroos, wallabies, and sugar gliders.
- (6) **Order Perissodactyla.** This includes rhinoceroses, and tapirs, but does not

include horses, goats, and mules as exotic animals.

(7) Order Primates. This includes lemurs, monkeys, chimpanzees, and gorillas.

(8) Order Proboscidae. This includes elephants.

(9) Order Rodentia. This includes squirrels, beavers, porcupines, and prairie dogs, but does not include guinea pigs, rats, mice, gerbils, and hamsters as exotic animals.

(b) *Class Reptilia.*

(1) Order Squamata.

(A) Family Helodermatidae. This includes Gila monsters and Mexican beaded lizards.

(B) Family Varaidae. This includes any monitor lizard which will normally grow over two feet in length.

(C) Family Iguanidae. This includes green iguanas and rock iguanas, but does not include all other types of iguanas which are not green or rock iguanas.

(D) Family Boidae. This includes all species whose adult length may exceed eight (8) feet.

(E) Family Colubridae. This includes boomslangs and African twig snakes.

(F) Family Elapidae. This includes coral snakes, cobras, and mambas.

(G) Family Nactricidae. This includes keelback snakes, but does not include all other snakes not keelback.

(H) Family Viperidae. This includes copperheads, cottonmouths, and rattlesnakes.

(2) Order Crocodilia. This includes crocodiles, alligators, caimans, and gavials.

(c) *Class Aves.*

(1) Order Falconiformes. This includes eagles, hawks, and vultures.

(2) Order Rheiformes. This includes rheas.

(3) Order Struthioniformes. This includes ostriches.

(4) Order Casuariiformes. This includes cassowaries and emus.

(5) Order Strigiformes. This includes owls.

(d) *Class Arachnida.*

(1) Order Scorpiones,

(A) Family Buthidae. This includes scorpions.

(2) Order Araneae,

(A) Family Therididae. This includes the Argentina red widow spider, brown widow spider, red-black widow spider, red widow spider, southern black widow spider, and Western widow spider.

(B) Family Laxoscelidae, This includes the brown recluse spider.

(e) *Class Chilopoda.*

(1) Order Scolopendromorpha,

(A) Family Scolopendridae. This includes centipedes.

(f) Any Federal or State endangered or threatened species.

Candice Skenandore (written): In order to avoid future amendments to the Domestic Animals (Law), the Legislative Operating Committee (LOC) may want to consider removing proposed section 304.10 Prohibited Animals from the Law and place this information into a resolution. This will allow the list of prohibited animals to be revised from time to time as the Community's needs change. The Law could simply refer to the Resolution and the Resolution can be published alongside the Law on the Code of Laws so as the Community has easy access to such information.

Response

The commenter requests that section 304.10 of the Law be removed, and instead have the information contained in section 304.10 placed in a resolution to be adopted by the Oneida Business Committee. The commenter believes that having the information addressed by resolution would allow for greater flexibility in amending the prohibited animals list as the Nation's needs change in the future. Resolutions are considered to provide more flexibility than a law because a resolution does not have to follow the requirements of the Legislative Procedures Act. [1 O.C. 109].

Section 304.10 of the Law contains much valuable information that should remain in the Law including:

- The general provision that no person is allowed to bring into, keep, harbor, maintain, offer for sale or barter, act as a custodian, have custody or control of, or release to the wild on the Reservation a prohibited animal [3 O.C. 304.10-1];
- A prohibited animal exception that allows certain individuals to own, harbor, or possess prohibited animals, including those individuals who are eligible for any grandfather provisions included in this law's adopting resolution, and any zoological park and/or sanctuary, an educational or medical institution, and/or a specially trained entertainment organization who receives a permit from the Environmental, Health, Safety, and Land Division [3 O.C. 304.10-3];
- The authority delegated to the Environmental, Health, Safety, and Land Division to issue a prohibited animal permit when certain conditions exist [3 O.C. 304.10-4];
- The authority delegated to the Environmental, Health, Safety, and Land Division to approve a wildlife refuge and/or sanctuary to release prohibited animals within the Reservation without applying for and receiving a prohibited animal permit [3 O.C. 304.10-5];
- Provisions regarding the Oneida Police Department and Oneida Conservation Department's authority to seize prohibited animals [3 O.C. 304.10-6];
- The requirement of an owner of a prohibited animal that has been released or escapes to immediately notify the Oneida Police Department and/or the Oneida Conservation Department [3 O.C. 304.10-7]; and
- Provisions regarding the forfeiture of prohibited animals [3 O.C. 304.10-8].

It is not recommended that any of the above stated provisions be removed from the Law and placed into a resolution of the Nation.

Section 304.10-2 of the Law provides specific information as to what orders and families of animals, whether bred in the wild or in captivity, and any or all hybrids, are prohibited from being

on the Reservation. The animals listed alongside the orders and families in the Law serve as examples and are not an exhaustive list of all animals that are prohibited.

Section 304.10-2, unlike the other provisions of section 304.10, could potentially be removed from the Law and placed into a resolution. Providing the prohibited animals list within the Law itself allows for more convenience to the reader as all the relevant information regarding prohibited animals is found in one place. Although there may be more convenience to the reader, the flexibility to revise and amend the prohibited animals list is affected as any changes to the Law would be required to follow the Legislative Procedures Act which can be a lengthy process.

On the other hand, providing the prohibited animals list through a resolution of the Nation would provide more flexibility and ease in adjusting the prohibited animals list to fit the needs of the Nation as those needs may change in the future. Allowing the flexibility to change the prohibited animals list by resolution would result in the necessity for a reader looking for information on prohibited animals to consult more than one document to find all the relevant information, which may be considered an inconvenience.

Whether or not to include the list of prohibited animals in the Law itself, or in a resolution, is a policy decision for the Legislative Operating Committee to make. The Legislative Operating Committee may determine:

1. The Law should remain as currently drafted and provide the prohibited animals list in section 304.10-2 of the Law.
2. Section 304.10-2 of the Law which provides the prohibited animals list should be removed, and instead the Legislative Operating Committee should include a provision that requires the prohibited animals list to be set by resolution.
 - a. If the Legislative Operating Committee makes this determination then the following language is recommended:
304.10-2. *Prohibited Animals.* The Oneida Business Committee shall provide through the adoption of a resolution which orders and families of animals, whether bred in the wild or in captivity, and any or all hybrids are prohibited from being on the Reservation.

LOC Consideration

The Legislative Operating Committee decided that section 304.10-2 of the Law, which provides the prohibited animals list, should be removed from the law and placed instead into a resolution that will be adopted by the Oneida Business Committee. The Legislative Operating Committee made this decision based on the fact that it would provide greater flexibility in changing the prohibited animals list in the future if the needs of the Nation change.

The Legislative Operating Committee directed the following revision be made to the Law:

304.10-2. *Prohibited Animals.* The Oneida Business Committee shall provide through the adoption of a resolution which orders and families of animals, whether bred in the wild or in captivity, and any or all hybrids are prohibited from being on the Reservation. ~~Prohibited animals include the following orders and families, whether bred in the wild or in captivity, and any or all~~

hybrids. The animals listed are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

- (a) ~~Class Mammalia:~~
 - (1) ~~Order Chiroptera. This includes all bat species.~~
 - (2) ~~Order Artiodactyla. This includes hippopotamuses, giraffes, camels, and deer, but does not include domestic cattle, swine, sheep, goats, alpaca, and llama as prohibited animals.~~
 - (3) ~~Order Carnivora:~~
 - (A) ~~Family Felidae. This includes lions, tigers, cougars, leopards, ocelots, and servals, but does not include domestic cats as prohibited animals.~~
 - (B) ~~Family Canidae. This includes wolves, wolf hybrids, coyotes, coyote hybrids, foxes, and jackals, but does not include domestic dogs as prohibited animals.~~
 - (C) ~~Family Ursidae. This includes all bears.~~
 - (D) ~~Family Mustelidae. This includes weasels, skunks, martins, and minks, but does not include ferrets as prohibited animals.~~
 - (E) ~~Family Procyonidae. This includes raccoons, and coatis.~~
 - (F) ~~Family Hyaenidae. This includes hyenas.~~
 - (G) ~~Family Viverridae. This includes civets, genets, and mongooses.~~
 - (4) ~~Order Edentatia. This includes anteaters, armadillos, and sloths.~~
 - (5) ~~Order Marsupialia. This includes opossums, kangaroos, wallabies, and sugar gliders.~~
 - (6) ~~Order Perissodactyla. This includes rhinoceroses, and tapirs, but does not include horses, goats, and mules as prohibited animals.~~
 - (7) ~~Order Primates. This includes lemurs, monkeys, chimpanzees, and gorillas.~~
 - (8) ~~Order Proboscidae. This includes elephants.~~
 - (9) ~~Order Rodentia. This includes squirrels, beavers, porcupines, and prairie dogs, but does not include guinea pigs, rats, mice, gerbils, and hamsters as prohibited animals.~~
- (b) ~~Class Reptilia:~~
 - (1) ~~Order Squamata:~~
 - (A) ~~Family Helodermatidae. This includes Gila monsters and Mexican beaded lizards.~~
 - (B) ~~Family Varaidae. This includes any monitor lizard which will normally grow over two feet in length.~~
 - (C) ~~Family Iguanidae. This includes green iguanas and rock iguanas, but does not include all other types of iguanas which are not green or rock iguanas.~~
 - (D) ~~Family Boidae. This includes all species whose adult length may exceed eight (8) feet.~~
 - (E) ~~Family Colubridae. This includes boomslangs and African twig snakes.~~
 - (F) ~~Family Elapidae. This includes coral snakes, cobras, and mambas.~~

- ~~(G) Family Nactricidae. This includes keelback snakes, but does not include all other snakes not keelback.~~
- ~~(H) Family Viperidae. This includes copperheads, cottonmouths, and rattlesnakes.~~
- ~~(2) Order Crocodylia. This includes crocodiles, alligators, caimans, and gavials.~~
- ~~(e) Class Aves:~~
 - ~~(1) Order Falconiformes. This includes eagles, hawks, and vultures.~~
 - ~~(2) Order Rheiformes. This includes rheas.~~
 - ~~(3) Order Struthioniformes. This includes ostriches.~~
 - ~~(4) Order Casuariiformes. This includes cassowaries and emus.~~
 - ~~(5) Order Strigiformes. This includes owls.~~
- ~~(d) Class Arachnida:~~
 - ~~(1) Order Scorpiones:~~
 - ~~(A) Family Buthidae. This includes scorpions.~~
 - ~~(2) Order Araneae:~~
 - ~~(A) Family Therididae. This includes the Argentina red widow spider, brown widow spider, red black widow spider, red widow spider, southern black widow spider, and Western widow spider.~~
 - ~~(B) Family Laxoscelidae. This includes the brown recluse spider.~~
- ~~(e) Class Chilopoda:~~
 - ~~(1) Order Scolopendromorpha:~~
 - ~~(A) Family Scolopendridae. This includes centipedes.~~
- ~~(f) Any Federal or State endangered or threatened species.~~

Comment 2 – Alpacas and Llamas:

Candice Skenandore (written): I applaud the LOC for their continued support of excluding animals such as alpacas and llamas from the list of prohibited animals. This will ensure that our Community can enjoy these creatures for generations to come. Should the LOC choose to remove the list of prohibited animals and instead identify such animals by Resolution, I recommend that alpacas and llamas still be allowed to safely reside within the Reservation boundaries [*See proposed Domestic Animals, 3 O.C. 304.10-2 (a) (2)*].

Response

The commenter expresses gratitude to the Legislative Operating Committee for ensuring that alpacas and llamas are not placed on the prohibited animal list provided in section 304.10-2 of the Law so that the community can continue to enjoy these animals.

There is no recommended revision based on this comment.

LOC Consideration

The Legislative Operating Committee determined there was no revision to the draft needed based on this comment.

Comment 3 – Sugar Gliders:

304.10. Prohibited Animals

304.10-2. Prohibited Animals. Prohibited animals include the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

(a) *Class Mammalia.*

(5) **Order Marsupialia.** This includes opossums, kangaroos, wallabies, and sugar gliders.

Candice Skenandore (written): I do not agree with the LOC’s decision to continue including sugar gliders from the list of prohibited animals and ask that the LOC reconsider allowing these adorable marsupialia to reside on the Reservation [See proposed Domestic Animals, 3 O.C. 304.10-2 (a) (5)]. According to PetMD, sugar gliders make excellent pets so long as the owner(s) understands the needs of these amazing creatures. Sugar gliders are nocturnal, meaning they can provide companionship to our Community members that may work the 3rd shift or have trouble sleeping. The average life-span of a sugar glider is 5-7 years which is enough time to teach children the importance of taking care of another life while not burdening a family with a lengthy commitment. Typical adult male sugar gliders weigh 0.22-0.35 lbs and adult females weigh 0.18-0.29 lbs. Females only produce 1-2 joeys (babies) per litter which will ensure that the Community will not be overrun with sugar gliders. Lastly, sugar gliders are omnivores (eat both plant and animal matter) and enjoy insects such as crickets and mealworms. Allowing sugar gliders to reside on the Reservation may ease the noise of the occasional cricket that gets trapped in a house or dwelling during those long summer months. This could improve the sanity and sleep of the Community [See PetMD, <https://www.petmd.com/exotic/care/all-about-sugar-gliders>].

The LOC should be made aware that sugar gliders can also serve as emotional support animals. According to Americans with Disabilities Act National Network, emotional support animals are animals that provide companionship, relieve loneliness, and may help with depression, anxiety and certain phobias. An article by College Avenue Magazine talks about a student’s struggle after brain surgery and that her sugar glider named “Zaboo” provide comfort to her during her recovery process [See College Avenue Magazine, <https://collegian.com/2018/02/sugar-gliders-can-be-service-animals-too/>]. I highly encourage the LOC to reconsider denying our Community the comfort, joy, and emotional support that sugar gliders bring.

Response

The commenter disagrees with the inclusion of sugar gliders on the prohibited animal list found in section 304.10-2(a)(5).

The determination of what animals to prohibit from the Reservation is a policy decision for the Legislative Operating Committee to make. The Legislative Operating Committee may determine:

1. The Law should remain as currently drafted and prohibited sugar gliders from being kept as pets on the Reservation.

2. The Law should be revised to remove sugar gliders from the prohibited animals list and therefore be allowed to be kept as pets on the Reservation.
 - a. If the Legislative Operating Committee makes this determination then the following revision should be made:
 - 304.10-2. Prohibited Animals. Prohibited animals include the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:
 - (a) Class Mammalia.
 - (5) Order Marsupialia. This includes opossums, kangaroos, and wallabies, but does not include ~~and~~ sugar gliders as prohibited animals.

LOC Consideration

The Legislative Operating Committee had a lengthy discussion on whether sugar gliders should remain on the prohibited animals list for the Nation.

The Legislative Operating Committee discussed the fact that sugar gliders are currently prohibited in many surrounding local municipalities such as Green Bay and Ashwaubenon. The Legislative Operating Committee then discussed why sugar gliders are prohibited from being kept as pets in many areas in the first place. Sugar gliders are prohibited from being kept as pets in many places due to the fact that sugar gliders are difficult animals to care for. The Legislative Operating Committee discussed some research that was conducted on why sugar gliders are hard animals to care for including the fact that sugar gliders are social animals so they are not happy as solo pets and do better with other sugar gliders, sugar gliders have a very specific diet that must be followed, sugar gliders are nocturnal animals, and they require cages with lots of space.

Although the decision was not unanimous, the Legislative Operating Committee ultimately determined the Law should remain as currently drafted and sugar gliders should remain on the prohibited animals list due to the fact that the animals are normally prohibited in an effort to ensure the animals are not mistreated or improperly cared for.

Comment 4 – Limit of the Number of Hens Allowed:

304.9. Hens

304.9-3. *Limit on the Number of Hens Allowed.* The number of hens an owner may keep is dependent on the size of the residential lot.

- (a) **An owner may keep up to four (4) hens on a residential lot that is two (2) acres in size or smaller.**
- (b) **An owner may keep up to eight (8) hens on a residential lot two (2) acres in size or larger.**

Laura Laitinen-Warren on behalf of Chairman Tehassi Hill (written): Good Afternoon, Chairman Hill has would like to ensure consideration for the amount of hens needed for egg

production to provide for a family. The limit on 4 hens for property that is two acres or smaller may be too restrictive. The Oneida Nation demonstrates our right to food sovereignty, and we want to be sure we are not putting up barriers for citizens who also wish to exercise this right. Thank you for the opportunity to comment.

Response

The commenter shares concerns that the limit of up to four (4) hens on a residential lot that is two (2) acres or smaller may be too restrictive in terms of egg production to provide for a family. The commenter expresses the importance of our right to food sovereignty and wants to ensure this limitation on the number of hens is not a barrier for those members of the Nation who wish to exercise their right to food sovereignty.

The limitation of up to four (4) hens on a residential lot that is two (2) acres or smaller was a policy decision made by the Legislative Operating Committee. The Legislative Operating Committee made the decision on what extent to limit hens after research was conducted on the limitations of hens in other surrounding municipalities. The research demonstrated the following limitations on the number of hens allowed in other local municipalities:

- City of De Pere: Up to four (4) hens are allowed with a permit;
- City of Green Bay: Up to four (4) hens are allowed with a permit;
- Village of Ashwaubenon: Up to four (4) hens are allowed with a permit;
- Village of Howard: Up to four (4) hens allowed on lots of two acres or less, up to eight (8) hens allowed on lots larger than two acres; and
- Village of Hobart: Up to six (6) hens allowed on properties in single family zoning districts.

Although not required to be, the Legislative Operating Committee determined that this was a matter in which consistency with our neighboring municipalities would be beneficial to the Nation.

Additionally, the Legislative Operating Committee decided to base the limitation on the size of the residential lot in acknowledgement that there are many different homes found throughout the Reservation, and a home with a larger lot size could be better equipped to house more hens without causing a nuisance.

The limitation on the number of hens that are allowed on certain lot sizes within the Reservation is a policy decision for the Legislative Operating Committee to make. The Legislative Operating Committee may determine:

1. The Law should remain as currently drafted and provide the limitation of up to four (4) hens on a residential lot that is two (2) acres or smaller.
2. The Law should be amended to increase the limitation on the number of hens that are allowed on a residential lot that is two (2) acres or smaller.
 - a. If the Legislative Operating Committee makes this determination then the Legislative Operating Committee will have to determine what the appropriate limitation on the number of hens allowed on a residential lot that is two (2) acres or smaller.

LOC Consideration

The Legislative Operating Committee discussed whether the Law should remain as currently drafted and provide the limitation of up to four (4) hens on a residential lot that is two (2) acres or smaller, or if this limitation should be increased. The Legislative Operating Committee discussed the fact that there are many families within the Reservation that raise hens as a source of food, and the fact that they would not want to negatively impact their efforts. The Legislative Operating Committee discussed the fact that their experience with friends and family that raise hens has demonstrated that not all hens lay eggs every day. The fact that this limitation only applies to those homes zoned residential, and does not apply to homes zoned agricultural was also discussed.

Ultimately the Legislative Operating Committee decided that the limitation on the number of hens should be increased. The Legislative Operating Committee directed that the following revision be made to the Law:

304.9-3. *Limit on the Number of Hens Allowed.* The number of hens an owner may keep is dependent on the size of the residential lot.

- (a) An owner may to keep up to ~~six~~ ~~four~~ (64) hens on a residential lot that is two (2) acres in size or smaller.
- (b) An owner may keep up to ~~twelve~~ ~~eight~~ (128) hens on a residential lot two (2) acres in size or larger.

Title 3. Health and Public Safety - Chapter 304
DOMESTIC ANIMALS
Kátse?na Olihwá·ke
matters concerning the pet animals

| | |
|---------------------------------------|-----------------------------------|
| 304.1. Purpose and Policy | 304.8. Livestock |
| 304.2. Adoption, Amendment, Conflicts | 304.9. Hens |
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304.1. Purpose and Policy

304.1-1. *Purpose.* The purpose of this law is to:

- (a) protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals;
- (b) set minimum standards for the treatment of animals;
- (c) prohibit certain species of animals from being brought onto the Reservation;
- (d) regulate the keeping of livestock on lots zoned residential within the Reservation; and
- (e) establish consequences for damages caused by domestic animals.

304.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by:

- (a) requiring certain basic measures to prevent the spread of disease carried by domestic animals;
- (b) establishing requirements for licensing domestic animals, and
- (c) regulating the types of animals which may be kept as domestic animals.

304.2. Adoption, Amendment, Repeal

304.2-1. This law was adopted by Oneida Business Committee by resolution BC-03-13-96-B and amended by resolutions BC-06-22-11-G, BC-06-28-17-B, and BC-__-__-__-__.

304.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

304.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

304.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

304.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

304.3. Definitions

304.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

~~(a)~~ (a) “Court of Appeals” means the Nation’s Judiciary’s Court of Appeals, which is the court of final appeal within the Nation.

(b) “District Quarantine” means a rabid or otherwise diseased domestic animal is suspected or known to be within a discernible area and all such animals reasonably suspected of being infected are subject to enforced isolation for a period of time to limit or prevent the spread of disease or infection and during which time said animals are tested for diseases, including rabies.

~~(b)~~ (c) “Fine” means a monetary punishment issued to a person violating this law.

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(~~e~~d) “Hen” means a female chicken (~~Gallus~~of the order and family gallus gallus domesticus).

~~(d)~~ (~~e~~) “Husbandry practices” means accepted manner of managing resources, cultivating, and caring for animals including the breeding, feeding, and tending of the animals.

(f) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

(g) “Livestock” means any equine (i.e. horse, donkey, etc.), bovine (i.e. cow, steer, heifer, etc.), sheep, goat, pig.

~~(e)~~h) “Nation” means the Oneida Nation.

~~(f)~~i) “Owner” means any person who owns, harbors, keeps, controls or acts as a caretaker for an animal. Absent evidence of alternative adult ownership, this law presumes that domestic animals are owned by the adult homeowner or renter.

~~(g)~~j) “Penalty” means a punishment, other than a fine, imposed on a person violating ~~this law and/or the rules created pursuant to~~ this law and may include, but is not limited to, the confiscation of wildlife with return of the same at the discretion of the Trial Court and restitution.

~~(h)~~k) “Reservation” means all the property within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

l) “Residential household” means a residential lot, except for those residential lots designed as multi-family lots, in which each family unit within the lot constitutes a separate household.

m) “Tethering” means the act of fastening an animal to a stationary object while unattended so that the animal can only range within a set radius. Tethering does not include the use of a leash to walk an animal.

~~(k)~~n) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, ~~which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.~~

~~(l)~~o) “Quarantine” means the act of keeping an animal in enforced isolation for a period of time to limit or prevent the spread of disease or infection and during which time said animal is tested for diseases, including rabies.

304.4. Jurisdiction

304.4-1. *Personal Jurisdiction.* This law applies to:

(a) All members of the Nation; the Nation’s entities and corporations; and members of other federally-recognized tribes;

(b) Individuals and businesses leasing, occupying or otherwise using fee land owned by the Nation or by individual members of the Nation; and/or lands held in trust on behalf of the Nation or individual members of the Nation; and

(c) Individuals who have consented to the jurisdiction of the Nation or as otherwise consistent with federal law. An individual shall be considered to have consented to the jurisdiction of the Nation:

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- 83 (1) By entering into a consensual relationship with the Nation, or with the Nation's
84 entities, corporations, or members of the Nation, including but not limited to
85 contracts or other agreements; or
86 (2) By other facts which manifest an intent to consent to the authority of the Nation,
87 including failure to raise an objection to the exercise of personal jurisdiction in a
88 timely manner.

89 304.4-2. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by
90 the Nation and individual trust and/or fee land of a member of the Nation.

91

92 **304.5. Authority**

93 304.5-1. *General.* This law governs the keeping of all domestic animals which are commonly
94 owned as household pets. Domestic animals include, but are not limited to, dogs, cats, ferrets,
95 rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and
96 arachnids.

97 (a) Domestic animals do not include prohibited ~~exotic~~ animals as identified by the
98 prohibited animals resolution provided for in section 304.10-2.

99 304.5-2. *Authority of the Oneida Police Department and Conservation Department.* Oneida
100 Police Officers and Conservation Wardens shall have the authority to:

- 101 (a) investigate complaints involving domestic animals;
102 (b) enforce the provisions of this law through appropriate means, including but not limited
103 to:

104 (1) seizing any animal that is taken, employed, used, or possessed in violation of
105 this law and/or mistreated, rabid or otherwise in danger or dangerous;

106 (2) issuing citations consistent with the fine and penalty schedule developed in
107 accordance with this law; and

108 (3) using force, up to and including lethal force, to stop an immediate threat to
109 public safety caused by an animal.

110 (A) Where lethal force is used, such execution shall be conducted in as
111 humane manner as possible and, to the extent feasible, avoids damage to the
112 animal's head for the purpose of rabies testing.

113 304.5-3. *Fine, Penalty, and Licensing Fee Schedule.* The Environmental, Health, Safety, and
114 Land Division and the Environmental Resource Board are hereby delegated joint authority to
115 develop a fine, penalty, and licensing fee schedule. The fine, penalty, and licensing fee schedule
116 shall be adopted by the Oneida Business Committee bythrough resolution.

117 304.5-4. *Disease Investigation and Quarantine.* The Environmental, Health, Safety, and Land
118 Division, the Emergency Management Coordinator, and the Comprehensive Health Division are
119 hereby delegated joint authority to establish standard operating procedures related to disease
120 investigations and quarantines.

121 304.5-5. *Issuance of Licenses.* The Environmental, Health, Safety, and Land Division shall make
122 all decisions related to the issuance of a license and/or permit in accordance with this law, unless
123 otherwise noted.

124

125 **304.6. Treatment of Animals**

126 304.6-1. *Food and Water.* An owner shall provide an animal with a daily supply of food and
127 water sufficient to maintain the animal in good health.

128 304.6-2. *Shelter.* An owner shall meet the minimum standards for indoor and outdoor shelter for
129 an animal. All shelter shall be structurally sound and maintained in good repair to protect the
130 animal from injury and to contain the animal.

131 (a) *Minimum indoor standards of shelter.* Minimum standards for indoor shelter include
132 the following:

133 (1) *Temperature.* The ambient temperature of the indoor shelter shall be
134 compatible with the health of the animal.

135 (2) *Ventilation.* Indoor shelter facilities shall be adequately ventilated by natural
136 or mechanical means to provide for the health of the animal at all times.

137 (b) *Minimum outdoor standards of shelter.* Minimum standards for outdoor shelter include
138 the following:

139 (1) *Shelter from Sunlight.* When sunlight is likely to cause heat exhaustion of an
140 animal tied or caged outside, sufficient shade by natural or artificial means shall be
141 provided to protect the animal from direct sunlight. Caged does not include farm
142 fencing used to confine livestock.

143 (2) *Climatic Conditions.* Natural or artificial shelter appropriate to the local
144 climatic conditions for the animal concerned shall be provided as necessary for the
145 health of the animal.

146 (3) *Adverse Weather.* If an animal is tied or confined unattended outdoors under
147 weather conditions which adversely affect the health of the animal, a weather
148 appropriate shelter of suitable size to accommodate the animal shall be provided.

149 (c) *Space Standards.* Enclosures shall be constructed and maintained so as to provide
150 sufficient space to allow each animal adequate freedom of movement. Inadequate space
151 may be indicated by evidence of debility, stress, or abnormal behavior patterns.

152 (1) *Dog Kennels.* Dog kennels shall meet the following space requirements where,
153 if there are multiple dogs in the same kennel, the base kennel space requirement is
154 based on the size of the largest dog and the additional kennel space requirements
155 are based on the size of each additional dog kept in the kennel:

156 (A) *Dog Size Between One and Thirty-Five Pounds.* A dog that weighs
157 between one (1) and thirty-five (35) pounds shall have a required base
158 kennel space of sixty (60) square feet. Required additional kennel space per
159 additional dog of this size is twelve (12) square feet.

160 (B) *Dog Size Between Thirty-Six and Seventy-Five Pounds.* A dog that
161 weighs between thirty-six (36) and seventy-five (75) pounds shall have a
162 required base kennel space of eighty (80) square feet. Required additional
163 kennel space per additional dog of this size is eighteen (18) square feet.

164 (C) *Dog Size Seventy-Six Pounds or Greater.* A dog that weighs seventy-
165 six (76) pounds or more shall have a required base kennel space of one
166 hundred (100) square feet. Required additional kennel space per additional
167 dog of this size is twenty-four (24) square feet.

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168 (d) *Sanitation Standards*. An owner shall meet the minimum standards of sanitation for
 169 both indoor and outdoor shelter. Minimum sanitation standards require waste matter from
 170 the animal to be removed within twenty-four (24) hours of its deposit.

171 (e) *Shelter Exception for Livestock*. In the case of livestock kept on farms on land zoned
 172 agricultural, nothing in this section shall be construed as imposing shelter requirements or
 173 standards more stringent than normally accepted husbandry practices.

174 304.6-3. *Tethering*. If a kennel or enclosed yard is not available, an owner may tether an
 175 unsupervised animal as long as the owner meets the following conditions:

176 (a) the tether is connected to the animal with a buckle type collar or body harness made of
 177 nylon or leather not less than one inch (1”) in width and at least two inches (2”) greater in
 178 diameter than the animal’s neck or torso;

179 (1) The use of a choke collar, prong collar head harness, or other similar type of
 180 head harness or collar shall be prohibited for the use of tethering.

181 (b) the tether is at least twelve feet (12’) long and allows the animal to move in all
 182 directions unimpeded;

183 (c) the total weight of the tether does not exceed ten percent (10%) of the animal’s body
 184 weight;

185 (d) the animal is tethered so as to prevent injury, strangulation, or entanglement, and allows
 186 the animal access to water and shelter;

187 (e) the tethered animal is not sick, injured, or nursing;

188 (f) the animal is not tethered on any vacant property or land or with an unoccupied
 189 dwelling; and

190 (g) the animal is not tethered in a manner that allows the animal to cross onto public space
 191 or property of others.

192 304.6-4. *Mistreatment of Animals*. No person ~~may~~shall treat any animal in a manner which causes
 193 harm, injury or death. This section does not apply to:

194 (a) normal and accepted veterinary and/or care practices; or

195 (b) teaching, research or experimentation conducted at a facility regulated under federal or
 196 applicable state law.

197 304.6-5. *Mandatory Reporting*. An employee of the Nation shall report any animal mistreatment
 198 witnessed during the regular course of his or her employment with the Nation to the Oneida Police
 199 Department and any other appropriate entity.

200

201 **304.7. Dogs and Cats**

202 304.7-1. *License Required*. An owner shall be required to obtain a license for any dog or cat five
 203 (5) months of age or older on an annual basis.

204 (a) *License Period*. The license year shall commence on January 1st and end on December
 205 31st of every year.

206 (b) *License Eligibility*. To be eligible for a license, the owner shall provide:

207 (1) the licensing fee; and

208 (2) proof of current rabies vaccination.

209 (c) *Placement of License Tag*. Upon the receipt of a license the owner shall be provided a
 210 license tag for the dog or cat. The owner shall securely attach the license tag to the animal’s

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211 collar and shall require the animal wear the collar at all times.

212 (1) *Exception.* A dog or cat shall not be required to wear the collar if the dog or cat
213 is:

214 (A) hunting or actively involved in herding or controlling livestock if the
215 animal is under control of its owner;

216 (B) within the owner's residence and/or securely confined in a fenced area;
217 and/or

218 (C) being shown during a competition.

219 304.7-2. *Rabies Vaccinations Required.* An owner shall be required to obtain a rabies
220 vaccination for any dog or cat five (5) months of age or older.

221 304.7-3. *Limit on the Number of Dogs and Cats.* An individual may keep no more than two (2)
222 dogs or three (3) cats; and a total of no more than four (4) dogs and cats combined; in a single
223 residential household.

224 (a) *Exception.* The limit on the number of dogs and cats a person may keep or possess does
225 not apply to a person who:

226 (1) is eligible for any grandfather provisions included in this law's adopting
227 resolution;

228 (2) keeps or possesses a litter of pups or kittens, or a portion of a litter, for a period
229 not exceeding five (5) months from birth;

230 (3) resides on property zoned agricultural; and/or

231 (4) obtains a permit for the additional dog or cat.

232 (b) *Permit for Additional Dogs or Cats.* A person may keep more than two (2) dogs or
233 three cats (3) in a single residential household if the owner obtains a permit from the
234 Environmental, Health, Safety, and Land Division for the additional animal. The
235 application for the permit must be signed by the owner and contain the signature of the
236 ~~landowner~~homeowner of the residential household if the ~~landowner~~homeowner is not the
237 applicant.

238 (1) By seeking a permit for an additional dog or cat the owner agrees that he or she
239 shall reduce the number of licensed dogs or cats on the premises if there are two (2)
240 or more nuisance complaints against the residential household within one (1)
241 calendar year caused by, or related to, the number of dogs or cats housed on the
242 premises.

243 (2) If two (2) or more nuisance complaints are received against the residential
244 household due to the number of dogs or cats housed on the premises, the owner
245 shall reduce the number of animals within thirty (30) days.

246 304.7-4. *Running at Large.* An owner shall not allow a dog or cat to run at large by being any
247 place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a leash
248 under the control of a person physically able to control the animal.

249 (a) A stray dog or cat running at large may be referred to the Oneida Police Department or
250 Oneida Conservation Department.

251 (b) When an Oneida Police Officer or Oneida Conservation Warden finds a dog or cat
252 running at large, the officer and/or warden shall, if possible, pick up and impound such
253 animal.

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254 (c) Whenever any impounded animal bears an identification mark, such as a collar with
 255 identification tags or license tag, the owner shall be notified as soon as reasonably possible.

256 304.7-5. *Nuisance*. An Oneida Police Officer or Oneida Conservation Warden may pick up and
 257 impound a dog or cat that has been found to be a nuisance. A dog or cat shall be found to be a
 258 nuisance if the actions of the dog or cat:

259 (a) resulted in two (2) or more verified disturbances due to excessive barking and/or other
 260 noise by the animal, or the animal running at large; and/or

261 (b) resulted in one (1) or more verified disturbance due to threatening behavior by the
 262 animal running at large.

263 304.7-6. *Investigations for Suspected Animal Bites*. The owner shall notify the Oneida Police
 264 Department in the event the owner's cat or dog bites a human or another domestic animal.

265 (a) The responding Oneida Police Officer or Oneida Conservation Warden shall:

266 (1) Ascertain whether the domestic animal is properly licensed and has current
 267 vaccinations.

268 (2) Ensure all information provided is correct.

269 (3) Contact the Environmental, Health, Safety, and Land Division to provide
 270 notification of the domestic animal bite.

271 (4) If the cat or dog has current rabies vaccinations, order the owner to:

272 (A) Quarantine the animal for ten (10) days; and

273 (B) Present the animal for examination by a veterinarian within twenty-
 274 four (24) hours of the bite, on the last day of quarantine and on one (1) day
 275 in between the first twenty-four (24) hours and the tenth (10th) day.

276 (5) If the cat or dog does not have current rabies vaccination, order the owner to:

277 (A) Quarantine the animal for ten (10) days or deliver the animal to an
 278 isolation facility at the owner's expense. If a home quarantine is ordered,
 279 the owner shall present the domestic animal for examination by a
 280 veterinarian within twenty-four (24) hours of the bite, on the last day of
 281 quarantine and on one (1) day in between the first twenty-four (24) hours
 282 and the tenth (10th) day; or

283 (B) Euthanize the animal and send the specimen for analysis at the owner's
 284 expense, if the animal has exhibited any signs of rabies.

285 (b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine
 286 period. Upon expiration of all quarantine periods, if the veterinarian certifies that the
 287 animal has not exhibited any signs of rabies, the animal may be released from quarantine.

288 (c) If the veterinarian certifies that the animal has exhibited any signs of rabies the
 289 following shall occur:

290 (1) If the animal has current rabies vaccinations, the Oneida Police Officer or
 291 Oneida Conservation Warden may order the animal to be euthanized and send the
 292 specimen for analysis, to be paid for by the Nation.

293 (2) If the animal does not have current rabies vaccinations, the Oneida Police
 294 Officer or Oneida Conservation Warden may order the animal to be euthanized and
 295 send the specimen for analysis at the owner's expense.

296 304.7-7. *District Quarantine*. A district quarantine may be initiated by staff designated by the

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297 Environmental, Health, Safety, and Land Division, an Oneida Police Officer, an Oneida
298 Conservation Warden, and/or a Public Health Officer.

299 (a) If an area is subject to a district quarantine for rabies, all dogs and cats within the district
300 shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined,
301 tied, leashed or muzzled is a public nuisance and may be impounded. All Oneida Police
302 Officers and Oneida Conservation Wardens shall cooperate in the enforcement of the
303 quarantine.

304 (b) An animal that is immunized against rabies as evidenced by a valid certificate of rabies
305 vaccination or other evidence is exempt from the district quarantine provisions of this
306 section.

307

308 **304.8. Livestock**

309 304.8-1. An owner shall obtain a conditional use permit from the Oneida Land Commission in
310 order to keep livestock on land zoned residential.

311 304.8-2. *Limitations on Livestock.* Livestock kept on land zoned residential are subject to the
312 following limitations:

313 (a) One (1) large animal per one (1) acre. Examples of large animals include, but are not
314 limited to, horses, cows, and pigs.

315 (b) One (1) small animal per one-half (½) acre. Examples of small animals include, but
316 are not limited to, goats, and sheep.

317 (c) One (1) goat or sheep per recorded lot under one-half (½) acre when setback
318 requirements can be met.

319 304.8-3. *Liability for Damage Caused by Livestock at Large.* Any person whose livestock
320 escapes from its normal confined area and becomes at large is responsible for any and all damage
321 to persons and property caused by such livestock while it is away from its normal confined area.

322

323 **304.9. Hens**

324 304.9-1. *Hen Permit.* An owner shall obtain a conditional use permit from the Oneida Land
325 Commission ~~Division~~ in order to keep hens on land zoned residential.

326 304.9-2. *Prohibition of Roosters.* An owner shall not keep a rooster on land zoned residential.

327 304.9-3. *Limit on the Number of Hens Allowed.* The number of hens an owner may keep is
328 dependent on the size of the residential lot.

329 (a) An owner may to keep up to ~~four (4)~~ six (6) hens on a residential lot that is smaller than
330 two (2) acres in size ~~or smaller~~.

331 (b) An owner may keep up to ~~eight (8)~~ twelve (12) hens on a residential lot two (2) acres in
332 size or larger.

333 304.9-4. *Standards for Keeping Hens.* An owner shall keep hens in the following manner:

334 (a) No person shall keep a hen over eight (8) weeks of age in a principal structure.

335 (b) Hens shall be kept within a structure such as a coop or fenced area used exclusively to
336 keep hens and shall provide at least four (4) square feet of space per hen.

337 (c) No accessory structure used to keep hens shall be located within twenty-five feet (25')
338 of any principal structure which is not owned by the person permitted to keep the hens.

339 (d) No accessory structure used to keep hens shall be located in a front or side yard.

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340 (e) All hens shall be kept and handled in a sanitary manner to prevent the spread of
 341 communicable diseases amongst birds or to humans.

342 304.9-5. *Prohibition of Nuisance Hens.* No owner may keep hens that cause any other nuisance
 343 associated with unhealthy conditions, create a public health threat, or otherwise interfere with the
 344 normal use of property or enjoyment of life by humans or animals.

345

346 **304.10. Prohibited Animals**

347 304.10-1. No person shall bring into, keep, harbor, maintain, offer for sale or barter, act as a
 348 custodian, have custody or control of, or release to the wild on the Reservation a prohibited animal.

349 304.10-2. *Prohibited Animals.* ~~Prohibited animals include~~The Oneida Business Committee shall
 350 provide through the following adoption of a resolution which orders and families of animals,
 351 whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to
 352 act as examples and are not to be construed as an exhaustive list or limit prohibited from being on
 353 the generality of each group of animals, unless otherwise specified: Reservation.

354 (a) ~~Class Mammalia.~~

355 (1) ~~Order Chiroptera. This includes all bat species.~~

356 (2) ~~Order Artiodactyla. This includes hippopotamuses, giraffes, camels, and deer,
 357 but does not include domestic cattle, swine, sheep, goats, alpaca, and llama as
 358 exotic animals.~~

359 (3) ~~Order Carnivora.~~

360 (A) ~~Family Felidae. This includes lions, tigers, cougars, leopards, ocelots,
 361 and servals, but does not include domestic cats as exotic animals.~~

362 (B) ~~Family Canidae. This includes wolves, wolf hybrids, coyotes, coyote
 363 hybrids, foxes, and jackals, but does not include domestic dogs as exotic
 364 animals.~~

365 (C) ~~Family Ursidae. This includes all bears.~~

366 (D) ~~Family Mustelidae. This includes weasels, skunks, martins, and minks,
 367 but does not include ferrets as exotic animals.~~

368 (E) ~~Family Procyonidae. This includes raccoons, and coatis.~~

369 (F) ~~Family Hyaenidae. This includes hyenas.~~

370 (G) ~~Family Viverridae. This includes civets, genets, and mongooses.~~

371 (4) ~~Order Edentalia. This includes anteaters, armadillos, and sloths.~~

372 (5) ~~Order Marsupialia. This includes opossums, kangaroos, wallabies, and sugar
 373 gliders.~~

374 (6) ~~Order Perissodactyla. This includes rhinoceroses, and tapirs, but does not
 375 include horses, goats, and mules as exotic animals.~~

376 (7) ~~Order Primates. This includes lemurs, monkeys, chimpanzees, and gorillas.~~

377 (8) ~~Order Proboscidae. This includes elephants.~~

378 (9) ~~Order Rodentia. This includes squirrels, beavers, porcupines, and prairie dogs,
 379 but does not include guinea pigs, rats, mice, gerbils, and hamsters as exotic animals.~~

380 (b) ~~Class Reptilia.~~

381 (1) ~~Order Squamata.~~

382 (A) ~~Family Helodermatidae. This includes Gila monsters and Mexican~~

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- 383 beaded lizards.
384 (B) Family Varaidae. This includes any monitor lizard which will normally
385 grow over two feet in length.
386 (C) Family Iguanidae. This includes green iguanas and rock iguanas, but
387 does not include all other types of iguanas which are not green or rock
388 iguanas.
389 (D) Family Boidae. This includes all species whose adult length may
390 exceed eight (8) feet.
391 (E) Family Colubridae. This includes boomslangs and African twig
392 snakes.
393 (F) Family Elapidae. This includes coral snakes, cobras, and mambas.
394 (G) Family Nactricidae. This includes keelback snakes, but does not
395 include all other snakes not keelback.
396 (H) Family Viperidae. This includes copperheads, cottonmouths, and
397 rattlesnakes.
398 (2) Order Crocodylia. This includes crocodiles, alligators, caimans, and gavials.
399 ~~(c) Class Aves.~~
400 (1) Order Falconiformes. This includes eagles, hawks, and vultures.
401 (2) Order Rheiformes. This includes rheas.
402 (3) Order Struthioniformes. This includes ostriches.
403 (4) Order Casuariiformes. This includes cassowaries and emus.
404 (5) Order Strigiformes. This includes owls.
405 ~~(d) Class Arachnida.~~
406 (1) Order Scorpiones,
407 (A) Family Buthidae. This includes scorpions.
408 ~~(2) Order Araneae,~~
409 (A) Family Therididae. This includes the Argentina red widow spider,
410 brown widow spider, red-black widow spider, red widow spider, southern
411 black widow spider, and Western widow spider.
412 (B) Family Laxoscelidae. This includes the brown recluse spider.
413 ~~(e) Class Chilopoda.~~
414 (1) Order Scolopendromorpha,
415 (A) Family Scolopendridae. This includes centipedes.
416 ~~(f) Any Federal or State endangered or threatened species.~~

- 417 304.10-3. *Prohibited Animals Exception.* The prohibition of certain animals shall not apply to:
418 (a) Individuals who are eligible for any grandfather provisions included in this law's
419 adopting resolution.
420 (b) A zoological park and/or sanctuary, an educational or medical institution, and/or a
421 specially trained entertainment organization who receives a permit from the
422 Environmental, Health, Safety, and Land Division to own, harbor or possess the prohibited
423 animal.
424 304.10-4. *Prohibited Animal Permit.* The Environmental, Health, Safety, and Land Division may
425 issue a prohibited animal permit if:

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426 (a) the animal and animal quarters are kept in a clean and sanitary condition and
 427 maintained to eliminate objectionable odors; and

428 (b) the animal is maintained in quarters so constructed as to prevent its escape.

429 304.10-5. *Release of Prohibited Animals.* The Environmental, Health, Safety, and Land Division,
 430 may approve a wildlife refuge and/or sanctuary to release prohibited animals within the
 431 Reservation without applying for and receiving a prohibited animal permit.

432 304.10-6. *Seizure of Prohibited Animals.* An unpermitted prohibited animal may be seized by the
 433 Oneida Police Department and/or the Oneida Conservation Department.

434 (a) A prohibited animal that is seized shall be held by the Oneida Police Department, the
 435 Oneida Conservation Department, or its designee until it can be determined if the animal
 436 is an endangered or threatened species.

437 (b) At any time after such identification, the Oneida Police Department and/or Oneida
 438 Conservation Department may seek an order from the Trial Court as to the care, custody
 439 and control of the animal.

440 (c) If the Trial Court finds the animal has been taken, employed, used or possessed in
 441 violation of this section, the owner shall be responsible for reimbursing the Oneida Police
 442 Department and/or the Oneida Conservation Department for the cost of holding the animal
 443 and any costs incurred in identifying the animal.

444 304.10-7. *Notice of Release or Escape.* The owner of a prohibited animal that has been released
 445 or escapes shall immediately notify the Oneida Police Department and/or the Oneida Conservation
 446 Department and shall be liable for any cost of recapture of the animal.

447 304.10-8. *Forfeiture of the Prohibited Animal.* An owner found in violation of this section shall
 448 forfeit or surrender the prohibited animal to the Oneida Police Department, Oneida Conservation
 449 Department, or designee. Upon such forfeiture or surrender, the Trial Court may direct destruction
 450 or transfer of the animal to a qualified zoological, educational, or scientific institution or qualified
 451 private propagator for safekeeping, with costs assessed against the owner.

452

453 **304.11. Dangerous Animals**

454 304.11-1. *Dangerous Animals.* No person shall own, keep, possess, return to or harbor a dangerous
 455 animal. An animal shall be presumed to be dangerous if the animal:

456 (a) approaches or chases a human being or domestic animal in a menacing fashion or
 457 apparent attitude of attack;

458 (b) bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or
 459 domestic animal;

460 (c) is suspected to be owned, trained or harbored for the purpose of dog fighting; and/or

461 (d) has been declared to be a dangerous animal and/or ordered to be destroyed in any other
 462 jurisdiction.

463 304.11-2. *Dangerous Animal Determination.* An Oneida Police Officer or Oneida Conservation
 464 Warden may determine an animal to be dangerous whenever, upon investigation, the officer finds
 465 that the animal meets the definition of dangerous animal provided in section 304.11-1.

466 (a) Upon making a determination that an animal is dangerous, the Oneida Police Officer
 467 or Oneida Conservation Warden shall issue a written order with an accompanying citation
 468 declaring the animal to be dangerous.

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469 (b) The citation and order shall be personally delivered to the apparent owner or custodian
470 of the dangerous animal.

471 (c) Upon receipt of the written order and accompanying citation the owner shall remove
472 the dangerous animal from the Reservation within three (3) business days.

473 304.11-3. *Contesting a Dangerous Animal Determination.* If the owner wishes to contest the
474 dangerous animal determination, he or she shall file with the Trial Court a written objection to the
475 order within three (3) business days of receipt of the order.

476 (a) The written objection shall include specific reasons for objecting to or contesting the
477 order. An owner may argue an animal should not be deemed dangerous due to the animal
478 biting, attacking or menacing any person and/or domestic animal because the animal was
479 acting to:

480 (1) defend its owner or another person from an attack by a person or animal;

481 (2) protect its young or another animal;

482 (3) defend itself against any person or animal which has tormented, assaulted or
483 abused it; and/or

484 (4) defend its owner's property against trespassers.

485 (b) Pending the outcome of the hearing, the animal shall be securely confined in a humane
486 manner either on the premises of the owner or caretaker, or with a licensed veterinarian. If
487 confined on the premises of the owner or caretaker, the following requirements shall apply:

488 (1) *Leash and Muzzle.* No owner shall permit a dangerous animal to go outside its
489 kennel or pen unless the animal is securely restrained with a leash no longer than
490 four feet (4') in length by a person who is at least sixteen (16) years of age who is
491 in physical control of the leash, competent to govern the animal and capable of
492 physically controlling and restraining the animal. The owner shall not leash an
493 animal to inanimate objects such as a tree, post, or building. When the animal is on
494 a leash outside the animal's kennel, the owner shall muzzle the animal in a humane
495 way by a commercially available muzzling device sufficient to prevent the animal
496 from biting a person or other animal.

497 (2) *Confinement.* Except when leashed and muzzled the owner shall ensure the
498 dangerous animal is securely confined indoors or in a securely enclosed and locked
499 pen or kennel that is located on the premises of the owner and constructed in a
500 manner that does not allow the animal to exit the pen or kennel on its own volition.
501 The owner shall not permit an animal to be kept on a porch, patio, or in any part of
502 a house or structure on the premises of the owner that would allow the animal to
503 exit the building on its own volition. The owner shall not permit the animal to be
504 kept in a house or structure when the windows are open or when screen windows
505 or screen doors are the only obstacle preventing the animal from exiting the
506 structure.

507 (3) *Signs.* The owner of a dangerous animal shall display, in prominent places on
508 his or her premises near all entrances to the premises, signs in letters of not less
509 than two inches (2") high warning that there is a dangerous animal on the property.
510 A similar sign shall be posted on the kennel or pen of the animal. In addition, the
511 owner shall conspicuously display a sign with a symbol warning children of the

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512 presence of a dangerous animal.

513 (4) *Notification.* The owner of a dangerous animal shall notify the Oneida Police
514 Department and/or the Oneida Conservation Department immediately if the animal
515 is at large, is unconfined, has attacked another animal, or has attacked a person.

516 (c) If an owner or caretaker fails to follow the requirements for harboring a dangerous
517 animal pending a hearing, the animal may be impounded by the Oneida Police Officer or
518 Oneida Conservation Warden issuing the dangerous animal determination.

519 304.11-4. *Dangerous Animal Determination Hearing.* A hearing on the dangerous animal
520 determination shall be held within fourteen (14) days of submission of the written objection with
521 the Trial Court. At the hearing, the Trial Court shall determine whether the determination that the
522 animal is dangerous should be substantiated.

523 (a) If the Trial Court concludes that the determination that the animal is dangerous is
524 substantiated, then the Trial Court shall issue an order that mandates the animal be removed
525 from the Reservation within forty-eight (48) hours of the determination.

526 (1) The order shall contain the requirement that the owner notify the Oneida Police
527 Department within twenty-four (24) hours if the dangerous animal has been sold or
528 been given away. If the dangerous animal has been sold or given away, the owner
529 shall also provide the name, address and telephone number of the new owner of the
530 dangerous animal. If the dangerous animal is sold or given away to a person
531 residing outside the Reservation or to a person or entity that falls outside of the
532 jurisdiction of this law, the owner shall present evidence to the Oneida Police
533 Department showing that he or she has notified the police department or other law
534 enforcement agency of the animal's new residence, including the name, address and
535 telephone number of the new owner. The Oneida Police Department shall forward
536 all such notifications to the Environmental, Health, Safety, and Land Division
537 within a reasonable amount of time.

538 (b) The Trial Court may order a dangerous animal to be destroyed. If such an order is
539 issued, the Trial Court shall require the owner submit proof of destruction within five (5)
540 business days from a licensed veterinarian. If the owner does not satisfy these
541 requirements, an Oneida Police Officer and/or an Oneida Conservation Warden shall seize
542 the animal and enforce compliance at the cost of the owner.

543 (c) The Trial Court may mandate attendance at an additional Trial Court hearing if
544 restitution is appropriate.

545 304.11-5. *Appeal of the Trial Court's Decision.* An appeal of the Trial Court's decision on the
546 dangerous animal determination may be appealed to the Nation's Court of Appeals.

547 (a) An appeal shall be submitted to the Court of Appeals within five (5) business days
548 from the date of the Trial Court's decision.

549 (b) Upon an appeal to the Court of Appeals, the order to remove the animal from the
550 Reservation or any order to destroy an animal is stayed pending the outcome of the appeal.

551 604.11-6. *Dangerous Animal Exception.* The Trial Court may provide an exception to the
552 dangerous animal provisions of this law for a law enforcement or military animal upon
553 presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the
554 animal.

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304.12. Owner Liability

304.12-1. An owner shall be liable for damages caused by his or her domestic animal.

(a) *First Offense.* The owner is liable for the full amount of damages caused by the domestic animal.

(b) *Subsequent Offenses.* The owner shall be liable for two (2) times the full amount of damages caused by the domestic animal if the owner knew or should have known that the domestic animal previously caused damages.

304.13. Enforcement of Violations

304.13-1. *Citations.* Citations for the violation of this law and/or orders issued pursuant to this law may include fines, penalties and conditional orders in accordance with the fine, penalty, and licensing fee schedule.

304.13-2. *Citation Pre-Hearing.* All citations shall include a pre-hearing date with the Trial Court which shall be set for the next scheduled monthly ~~prehearing~~pre-hearing date that is at least thirty (30) days after the citation was issued, ~~excluding. The act of contesting a~~ dangerous animal ~~citations which~~determination shall follow the process contained in section 304.11.

(a) Persons wishing to contest a citation shall appear at the prehearing, at which time the Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued.

(b) In addition to scheduling requested hearings, the Trial Court may also make conditional orders at the ~~prehearing~~pre-hearing which are effective until the matter is resolved.

304.13-3. *Citation Hearing.* The Trial Court shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued.

304.13-4. *Appeals of the Trial Court's Determinations.* Any person wishing to contest the determination of the Trial Court may appeal to the Nation's Court of Appeals in accordance with the Rules of Appellate Procedure.

304.13-5. *Fines.* All fines shall be paid to the ~~Trial Court~~Judiciary. Cash shall not be accepted for payment of fines. Money received from fines shall be contributed to the General Fund.

(a) Fines shall be paid within ninety (90) days after the order is issued or upheld on final appeal, whichever is later. If the fine is not paid by this deadline, the Trial Court may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process.

(1) The ninety (90) day deadline for payment of fines may be extended if an alternative payment plan is approved by the Trial Court.

(b) Community service may be substituted for part or all of any fine at the minimum wage rate of the Nation for each hour of community service.

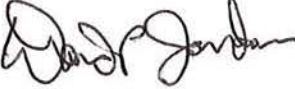
End.

Adopted - BC-03-13-96-B

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598 Amended – BC-06-22-11-G
599 Amended – BC-06-28-17-B
600 Amended – BC-__-__-__-__
601



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson 
DATE: May 8, 2019
RE: Amendments to the Domestic Animals Law

Please find the following attached backup documentation for your consideration of the proposed amendments to the Domestic Animals law:

1. Resolution: Amendments to the Domestic Animals Law
2. Statement of Effect: Amendments to the Domestic Animals Law
3. Domestic Animals Law Amendments Legislative Analysis
4. Domestic Animals Law Amendments (Redline)
5. Domestic Animals Law Amendments (Clean)
6. Domestic Animals Law Amendments Law Fiscal Impact Statement

Overview

On September 19, 2018, the Legislative Operating Committee decided to pursue amendments to the Nation's Domestic Animals law. The purpose of the Domestic Animals law is to protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals; set minimum standards for the treatment of animals; prohibit certain species of animals from being brought onto the Reservation; regulate the keeping of livestock on lots zoned residential within the Reservation; and establish consequences for damages caused by domestic animals.

This resolution adopts the proposed amendments to the Domestic Animals law which will:

- Eliminate administrative rulemaking authority delegated to the Environmental, Health, Safety, and Land Division and the Environmental Resource Board, and instead requires a jointly developed fine, penalty, and licensing fee schedule to be adopted by resolution [3 O.C. 304.5-3];
- Eliminate administrative rulemaking authority delegated to the Environmental, Health, Safety, and Land Division, the Emergency Management Coordinator, and the Comprehensive Health Division, and instead require standard operating procedures to be created related to disease investigations and quarantine [3 O.C. 304.5-4];
- Reduce the space requirements for dog kennels [3 O.C. 304.6-2(c)(1)];
- Provide guidelines and requirements for tethering an animal [3 O.C. 304.6-3];
- Reduce the limit on the number of dogs and cats allowed in a residential household, but allow those who wish to seek an additional animal over the limit the ability to apply for a permit to do so [3 O.C. 304.7-3];

- Require a conditional use permit to keep hens on residential lots, to be approved by the Oneida Land Commission [3 O.C. 304.9-1];
- Limit the number of hens allowed on a residential lot to between six (6) and twelve (12) hens, depending on lot size [3 O.C. 304.9-3];
- Remove the prohibited animals list from the Law and instead have the Oneida Business Committee adopt through resolution which animals are prohibited from being on the Reservation [3 O.C. 304.10-2];
- Eliminate the separate “vicious animal” designation and replace it with a single “dangerous animal” designation [3 O.C. 304.11];
- Update the process for the Oneida Police Department and Conservation Department to declare an animal a “dangerous animal” [3 O.C. 304.11-2];
- Require animals declared “dangerous” to be removed from the Reservation or euthanized, pending appeal [3 O.C. 304.11-2(c)];
- Revise the timelines and requirements to contest a dangerous animal designation [3 O.C. 304.11-3]; and
- Include other minor drafting revisions.

The Legislative Operating Committee developed the proposed amendments to the Domestic Animals law through close collaboration with representatives from the Oneida Environmental Health and Safety Division, Oneida Comprehensive Health Division – Community Health, Environmental Resource Board, Oneida Police Department, and Oneida Law Office. The Oneida Nation Judiciary and Oneida Land Commission were also consulted with on a more limited basis. The Legislative Operating Committee also reviewed various laws of the Nation, as well as eight (8) domestic animal laws from other local municipalities and tribes.

In accordance with the Legislative Procedures Act, a public meeting on the proposed amendments to the Domestic Animals law was held on March 11, 2019. Five (5) people attended the public meeting, but no one provided oral comments. The public comment period closed on March 18, 2019. The Legislative Operating Committee received two (2) submissions of written comments during the public comment period. The public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on April 17, 2019. Any changes made based on those comments have been incorporated into this draft.

Requested Action

Approve the Resolution: Amendments to the Domestic Animals Law.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Amendments to the Domestic Animals Law

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Domestic Animals law ("the Law") was adopted by the Oneida Business Committee through resolution BC-03-13-96-B, and the amended by resolutions BC-06-22-11-G, and BC-06-28-17-B, and

WHEREAS, the purpose of the Law is to protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals; set minimum standards for the treatment of animals; prohibit certain species of animals from being brought onto the Reservation; regulate the keeping of livestock on lots zoned residential within the Reservation; and establish consequences for damages caused by domestic animals; and

WHEREAS, the Legislative Operating Committee worked collaboratively with representatives from the Oneida Environmental, Health, Safety, and Land Division, Oneida Comprehensive Health Division – Community Health, Environmental Resource Board, Oneida Police Department, and Oneida Law Office to develop the amendments to this Law; and

WHEREAS, the amendments to the Law eliminate administrative rulemaking authority delegated to the Environmental, Health, Safety, and Land Division and the Environmental Resource Board, and instead requires a jointly developed fine, penalty, and licensing fee schedule to be adopted by resolution; and

WHEREAS, the amendments to the Law eliminate administrative rulemaking authority delegated to the Environmental, Health, Safety, and Land Division, the Emergency Management Coordinator, and the Comprehensive Health Division, and instead require standard operating procedures to be created related to disease investigations and quarantine; and

WHEREAS, the amendments to the Law reduce the space requirements for dog kennels so that the requirements are more inline with commercially available kennels; and

WHEREAS, the amendments to the Law provide guidelines and requirements for tethering an animal; and

- 43 **WHEREAS,** the amendments to the Law reduce the limit on the number of dogs and cats allowed in a
44 residential household, but allow those individuals who wish to seek an additional animal
45 over the limit the ability to apply for a permit to do so; and
46
- 47 **WHEREAS,** the amendments to the Law require a conditional use permit to keep hens on residential
48 lots, to be approved by the Oneida Land Commission; and
49
- 50 **WHEREAS,** the amendments to the Law limit the number of hens allowed on a residential lot to between
51 six (6) and twelve (12) hens, depending on lot size; and
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- 53 **WHEREAS,** the amendments to the Law remove the prohibited animals list from the Law and instead
54 have the Oneida Business Committee adopt through resolution which animals are
55 prohibited from being on the Reservation; and
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- 57 **WHEREAS,** the amendments to the Law eliminate the separate “vicious animal” designation and
58 replace it with a single “dangerous animal” designation; and
59
- 60 **WHEREAS,** the amendments to the Law update the process for the Oneida Police Department and
61 Conservation Department to declare an animal a dangerous animal; and
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- 63 **WHEREAS,** the amendments to the Law require animals declared “dangerous” to be removed from
64 the Reservation or euthanized, pending appeal; and
65
- 66 **WHEREAS,** the amendments to the Law revise the timelines and requirements to contest a dangerous
67 animal designation; and
68
- 69 **WHEREAS,** the amendments to the Law make other minor drafting revisions; and
70
- 71 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact
72 statement were completed for the amendments to the Law; and
73
- 74 **WHEREAS,** a public meeting on the proposed amendments to this Law was held on March 11, 2019,
75 in accordance with the Legislative Procedures Act, and the public comment period was
76 held open until March 18, 2019; and
77
- 78 **WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered the public
79 comments received on April 17, 2019.
80
- 81 **NOW THEREFORE BE IT RESOLVED,** that the amendments to the Domestic Animals law are hereby
82 adopted and shall be effective on May 22, 2019.
83
- 84 **BE IT FURTHER RESOLVED,** that Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties
85 is hereby repealed effective May 22, 2019.
86
- 87 **BE IT FURTHER RESOLVED,** that in accordance with section 304.7-3(a)(1) of the Law, a grandfather
88 provision shall apply to any person who, on the date these amendments become effective, are in
89 compliance with the Domestic Animals law adopted by resolution BC-06-28-17-B and who own, harbor or
90 possess more than two (2) dogs and/or three (3) cats and/or any combination of more than four (4) dogs
91 and cats, provided that all of such animals are properly licensed.
92
- 93 **BE IT FINALLY RESOLVED,** that in accordance with section 304.10-3(a) of the Law, a grandfather
94 provision shall apply to any person who, on the date these amendments become effective, are in

95 compliance with the Domestic Animals law adopted by resolution BC-06-28-17-B and who own, harbor, or
96 possess a prohibited animal, provided that a prohibited animal permit was obtained.
97



Statement of Effect

Amendments to the Domestic Animals Law

Summary

This resolution adopts amendments to the Domestic Animals law.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: April 25, 2019

Analysis by the Legislative Reference Office

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. This resolution adopts amendments to the Domestic Animals law which comply with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Domestic Animals law was adopted by the Oneida Business Committee for the purpose of protecting the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals; setting minimum standards for the treatment of animals; prohibiting certain species of animals from being brought onto the Reservation; regulating the keeping of livestock on lots zoned residential within the Reservation; and establishing consequences for damages caused by domestic animals. [3 O.C. 304.1-1].

The amendments to the Domestic Animals law will:

- Eliminate administrative rulemaking authority delegated to the Environmental, Health, Safety, and Land Division and the Environmental Resource Board, and instead requires a jointly developed fine, penalty, and licensing fee schedule to be adopted by resolution [3 O.C. 304.5-3];
- Eliminate administrative rulemaking authority delegated to the Environmental, Health, Safety, and Land Division, the Emergency Management Coordinator, and the Comprehensive Health Division, and instead require standard operating procedures to be created related to disease investigations and quarantine [3 O.C. 304.5-4];
- Reduce the space requirements for dog kennels [3 O.C. 304.6-2(c)(1)];
- Provide guidelines and requirements for tethering an animal [3 O.C. 304.6-3];
- Reduce the limit on the number of dogs and cats allowed in a residential household, but allow those who wish to seek an additional animal over the limit the ability to apply for a permit to do so [3 O.C. 304.7-3];
- Require a conditional use permit to keep hens on residential lots, to be approved by the Oneida Land Commission [3 O.C. 304.9-1];

- Limit the number of hens allowed on a residential lot to between six (6) and twelve (12) hens, depending on lot size [3 O.C. 304.9-3];
- Remove the prohibited animals list from the Law and instead have the Oneida Business Committee adopt through resolution which animals are prohibited from being on the Reservation [3 O.C. 304.10-2];
- Eliminate the separate “vicious animal” designation and replace it with a single “dangerous animal” designation [3 O.C. 304.11];
- Update the process for the Oneida Police Department and Conservation Department to declare an animal a “dangerous animal” [3 O.C. 304.11-2];
- Require animals declared “dangerous” to be removed from the Reservation or euthanized, pending appeal [3 O.C. 304.11-2(c)]; and
- Revise the timelines and requirements to contest a dangerous animal designation [3 O.C. 304.11-3].

Additional minor changes are made to the draft to update the language and ensure compliance with drafting style and formatting requirements.

In accordance with the LPA, a public meeting on the proposed amendments to the Domestic Animals law was held on March 11, 2019. Five (5) people attended the public meeting with no one providing oral comments. The public comment period closed on March 18, 2019. The Legislative Operating Committee received two (2) submissions of written comments during the public comment period. All public comments received were accepted, reviewed, and considered by the Legislative Operating Committee on April 17, 2019. Any changes made based on those comments have been incorporated into this draft.

The resolution also repeals the Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties. The amendments to the Law eliminate the joint administrative rulemaking authority which was previously delegated to the Environmental, Health, Safety, and Land Division and the Environmental Resource Board for the purpose of promulgating rules regarding a fine and penalty schedule, a licensing fee schedule, and any other rules as necessary to enforce and implement this law. Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties was promulgated under this delegation of administrative rulemaking authority. Instead, the Law now requires the Environmental, Health, Safety, and Land Division and the Environmental Resource Board to jointly developed fine, penalty, and licensing fee schedule to be adopted by resolution. [3 O.C. 304.5-3].

The Administrative Rulemaking law provides that only authorized agencies who have been granted rulemaking authority by a law of the Nation may promulgate rules. [1 O.C. 106.4-1]. Due to the fact that the joint rulemaking authority delegated to the Environmental, Health, Safety, and Land Division and the Environmental Resource Board was eliminated with the amendments to the Law, the Environmental, Health, Safety, and Land Division and the Environmental Resource

Board are no longer authorized agencies who have been granted rulemaking authority under the Administrative Rulemaking law. Therefore, Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties is repealed by this resolution.

Conclusion

Adoption of this resolution would not conflict with any of the Nation’s laws.



AMENDMENTS TO DOMESTIC ANIMALS LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

| REQUESTER: Environmental Health, Safety and Land Division | SPONSOR: Jennifer Webster | DRAFTER: Clorissa N. Santiago | ANALYST: Brandon Wisneski |
|--|--|----------------------------------|------------------------------|
| Intent of the Amendments | <ul style="list-style-type: none"> ▪ To eliminate rulemaking authority within the law and adopt changes to the Domestic Animals Fine, Penalty and Licensing Fee schedule by BC Resolution; ▪ To place new guidelines and restrictions on the use of tethers; ▪ To lower the space requirements for dog kennels; ▪ To reduce the limit on number of dogs allowed on a residential lot from three (3) to two (2); ▪ To reduce the limit on total number of cats and dogs allowed on a residential lot from five (5) to four (4); ▪ To create a permit process for individuals who wish to own additional dogs or cats above the limit; ▪ To require a conditional use permit to keep hens on residential lots, to be approved by the Land Commission; ▪ To limit the number of hens allowed on a residential lot to between six (6) and twelve (12) hens, depending on lot size; ▪ To update the process for the Oneida Police Department (OPD), Conservation and the Judiciary to declare an animal a “Dangerous Animal”; ▪ To eliminate the separate “Vicious Animal” designation and replace it with a single “Dangerous Animal” category; ▪ To revise the “Dangerous Animal” designation so that animals declared “dangerous” must be removed from the reservation or euthanized, pending appeal; ▪ To revise the timelines and requirements to request and hold a hearing to contest Dangerous Animal declarations. | | |
| Purpose | <p>To protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals; set minimum standards for treatment of animals; prohibit certain species of animals from being brought onto the Reservation; regulate the keeping of livestock on lots zoned residential with in the Reservation; and establish consequences for damages caused by domestic animals [3 O.C. 304.1-1].</p> | | |
| Affected Entities | <ul style="list-style-type: none"> ▪ All tribal members, members of other federally recognized tribes, and the Nation’s entities and corporations within the reservation; Individuals and businesses leasing, occupying or otherwise using fee land owned by the Nation or by individual Tribal members and/or lands held in trust; Any other individuals who have consented to the jurisdiction of the Nation; ▪ Oneida Police Department; Oneida Environmental Health, Safety and Land Division; Oneida Conservation Department; Oneida Environmental Resource Board; Oneida Comprehensive Health Division, Oneida Land Commission; Oneida Emergency Management Coordinator, Oneida Judiciary. | | |

| | |
|----------------------|---|
| Affected Legislation | Garnishment law; Per Capita law; Rules of Appellate Procedure; Zoning and Shoreland Protection law; Landlord-Tenant law; Hunting, Fishing and Trapping law, Emergency Management and Homeland Security law. |
| Public Meeting | A public meeting was held on March 11, 2019. |

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. The Domestic Animals law was first adopted by the Oneida Business Committee on March 13, 1996. Domestic animals are animals commonly owned as household pets, including, but not limited to, dogs, cats, guinea pigs, hamsters, rabbits, and turtles.
- B. On September 13, 2018, representatives from the Environmental Health, Safety and Land Division, Oneida Police Department, Oneida Community Health Services and Environmental Resources Board submitted a memo to the Legislative Operating Committee in support of amending the Domestic Animals law. The memo noted that the Domestic Animal law is needed to protect public health and safety.
- C. The LOC added the Domestic Animals Law to the Active Files List on September 19, 2018. Since that time, a work group of representatives from Environmental Health Safety and Land Division, Oneida Police Department, Oneida Community Health Services and Environmental Resources Board has met to review the law and suggest amendments. Many of the proposed amendments reflect the feedback and suggestions of this work group.

SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments or entities participated in the development of this law and legislative analysis or provided feedback: Oneida Environmental Health, Safety and Land Division, Oneida Comprehensive Health Division – Community Health, Environmental Resource Board, Oneida Police Department, Oneida Law Office, and Oneida Land Commission.
- B. The following laws were reviewed in the drafting of this analysis: Garnishment law; Per Capita law; Zoning and Shoreland Protection law; Landlord-Tenant law, Hunting, Fishing and Trapping law; Rules of Appellate Procedure. In addition, the following domestic animal laws from other municipalities or tribal nations were reviewed:
 - City of Green Bay – Chapter 8 Public Health and Welfare
 - City of De Pere – Chapter 86 Dogs and Other Animals
 - City of Seymour – Chapter 6 Animals
 - Village of Ashwaubenon – Chapter 4 Animals
 - Village of Hobart – Chapter 102 Animals
 - Village of Howard – Chapter 4 Animals
 - Menominee Nation – Chapter 255 Animals
 - Stockbridge-Munsee – Chapter 16 Public Peace and Good Order Ordinance

SECTION 4. PROCESS

- A. Thus far, amendments to this law have followed the process set forth in the Legislative Procedures Act (LPA).
- B. The law was added to the Active Files List on September 19, 2018.
- C. The following work meetings were held regarding the development of this law and legislative analysis:
 - October 5, 2018: Work Meeting with Environmental Health, Safety and Land Division (EHSLD), Comprehensive Health Division – Community Health Services (CHD-CHS), Oneida Police Department (OPD), Environmental Resource Board (ERB), and Oneida Law Office.
 - October 23, 2018: Work Meeting with EHSLD, CHD-CHS, OPD, ERB and Oneida Law Office.
 - November 9, 2018: Work Meeting with EHSLD, OPD and CHD-CHS.
 - December 13, 2018: Work Meeting with EHSLD, ERB and OPD.

- 45 ▪ December 19, 2018: LOC Work Meeting.
- 46 ▪ January 16, 2019: LOC Work Meeting
- 47 ▪ January 25, 2019: Work Meeting with EHSLD and OPD.
- 48 ▪ February 26, 2019: Work Meeting with EHSLD and OPD.
- 49 ▪ March 8, 2019: Work Meeting with EHSLD and OPD.

50
 51 **SECTION 5. CONTENTS OF THE LEGISLATION**

52 **A. Removal of Rulemaking for Fines, Penalties and Licensing Fee Schedule.** The current Domestic
 53 Animals Law grants rulemaking authority (in accordance with the Administrative Rulemaking Law) to
 54 the Environmental Health, Safety and Land Division (EHSLD) and the Environmental Resource Board
 55 (ERB) to develop rules to establish and maintain:

- 56 ▪ A fine and penalty schedule, to set fine amounts for violations of the Domestic Animals law;
- 57 ▪ A licensing and fee schedule, to set the cost for animal licenses and fees.;
- 58 ▪ Other rules as necessary to enforce and implement this law.

59 **Adoption of Fee Schedule by Oneida Business Committee Resolution.** Under the proposed draft, this
 60 rulemaking authority is eliminated. Instead, the fine, penalty, and licensing fee schedule will be
 61 developed by EHSLD and ERB and then adopted by the Oneida Business Committee by resolution [3
 62 O.C. 304.5-3].

63
 64 **Chart 1. Adopting Fine, Penalty and Licensing Fee Schedule - Comparison**

| | Current Law | Proposed Law |
|---|---|--|
| <i>How is Fee Schedule Adopted?</i> | Administrative Rulemaking | Oneida Business Committee Resolution |
| <i>Who Develops the Fee Schedule?</i> | EHSLD & ERB | EHSLD & ERB |
| <i>Who Approves the Fee Schedule?</i> | Oneida Business Committee | Oneida Business Committee |
| <i>Public Meeting Required?</i> | Yes, a public meeting and comment period on the proposed fee schedule is required under the Administrative Rulemaking Law. Public notice of the hearing and consideration of all comments received is required. | No, a public hearing and comment period is not required. However, the proposed fee schedule was included in the public materials for these amendments. |
| <i>Fee Schedule Discussed and Approved at an Oneida Business Committee Meeting?</i> | Yes, the fee schedule is placed on the agenda of a Business Committee Meeting for consideration. BC Agendas are noticed to the public, and the public may make comments at the BC Meeting. | Yes, the fee schedule is placed on the agenda of a Business Committee Meeting for consideration. BC Agendas are noticed to the public, and the public may make comments at the BC Meeting. |

- 65
 66 ▪ *Current Status of Rule:* Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties
 67 became effective on 4/25/2018. This rule will need to be repealed upon adoption of this law due to
 68 the elimination of the administrative rulemaking authority. In its place, the Business Committee
 69 will need to adopt a resolution setting a new fine, penalty and licensing fee schedule for the
 70 Domestic Animals law.

- 71 **B. Removal of Rulemaking Authority for Disease Investigation and Quarantine Process.** In addition,
 72 the current Domestic Animals law grants rulemaking authority to EHSLD, Emergency Management
 73 Coordinator and the Comprehensive Health Division to develop rules related to disease investigation
 74 and quarantines. For example, an investigation of a dog that is suspected of rabies [3 O.C. 304.5-4].
 75 **Adoption of Disease Investigation and Quarantine SOPs.** Instead, these same entities will now
 76 establish standard operating procedures (SOPs) regarding disease investigation and quarantines.
 77

78 **Chart 2. Adopting Disease Investigation & Quarantine Procedure – Comparison**

| | Current Law | Proposed Law |
|---|---|--|
| <i>How are disease investigation and quarantine procedures adopted?</i> | Administrative Rulemaking | Standard Operating Procedures. |
| <i>Who Develops the Disease Investigation and Quarantine Process?</i> | EHSLD, Emergency Management Coordinator and Comprehensive Health Division. | EHSLD, Emergency Management Coordinator and Comprehensive Health Division. |
| <i>Who Approves the Disease Investigation and Quarantine Process/</i> | Oneida Business Committee | EHSLD, Emergency Management Coordinator and Comprehensive Health Division. |
| <i>Public Meeting Required?</i> | Yes, a public meeting and comment period on the proposed fee schedule is required under the Administrative Rulemaking Law. Public notice of the hearing and consideration of all comments received is required. | No, a public hearing and comment period is not required. |

- 79 **Current Status of Rule:** At the time this analysis was drafted, a rule for investigation and quarantine
 80 procedures had not yet been adopted. However, both the current and proposed law include
 81 procedures regarding quarantines for dog bites and district-wide quarantines [3 O.C. 304.7-6 & 7-
 82 7]. Upon adoption of these amendments, standard operating procedures will need to be developed.

83 **C. Restrictions & Guidelines on Use of Tethers.** These amendments add new restrictions on the use of
 84 tethers. Under the current law, there are no restrictions on tethering.

- 85 **Under the proposed amendments, several new restrictions and guidelines for tethering are added [3**
 86 **O.C. 304.6-3]:**
 87
 - o Tethers must be connected by a buckle type collar or body harness made of leather or nylon.
 - 88 o Choke collars and prong collar head harnesses are prohibited.
 - 89 o The tether must be at least twelve (12) feet long and allow the animal to move in all
 - 90 directions.
 - 91 o The total weight of the tether must not exceed ten percent (10%) of the animal’s body
 - 92 weight.
 - 93
 - This is to ensure that the animal can move freely without being weighed down by
 - 94 a heavy tether or chain.
 - 95 o The animal must be tethered to prevent injury, strangulation, or entanglement and allow
 - 96 the animal to access water and shelter.
 - 97 o Animals that are sick, injured, or nursing cannot be tethered.
 - 98 o Animals cannot be tethered on vacant property or land with an unoccupied dwelling.

- 99 ○ Animals cannot be tethered in a manner that allows them to cross onto public space, such
100 as a sidewalk, or property of others.
- 101 ▪ **What is Tethering?** According to the Humane Society of the United States, “tethering” or
102 “chaining” refers to “the practice of fastening a dog to a stationary object and leaving them
103 unattended.” “Tethering is not meant to refer to an animal being walked on a leash or cases of
104 supervised, temporary tethering while an owner is present.” [*Humane Society website, Chaining
105 and Tethering Dogs FAQ* [https://www.humanesociety.org/resources/chaining-and-tethering-dogs-
106 faq](https://www.humanesociety.org/resources/chaining-and-tethering-dogs-faq)].
- 107 ○ **Why Can Tethering Be Harmful to Dogs?** According to the Humane Society, tethered
108 dogs may suffer from “irregular feedings, overturned water bowls, inadequate veterinary
109 care, poor sanitary conditions and exposure to extreme temperatures and weather.” The
110 Humane Society also argues that tethering dogs may be a risk factor for dog bites and
111 attacks. The Humane Society states that “dogs tethered for long periods can become highly
112 aggressive... Dogs feel naturally protective of their territory and respond according to a
113 “fight or flight” instinct... A tethered dog, unable to “take flight,” resorts to attacking an
114 unfamiliar animal or person.” [[https://www.humanesociety.org/resources/chaining-and-
115 tethering-dogs-faq](https://www.humanesociety.org/resources/chaining-and-tethering-dogs-faq)].
- 116 ○ **Tether Restrictions in Other States.** According to the American Veterinary Medical
117 Association, as of April 2018, there were thirty-two (32) states that placed restrictions on
118 tethering animals. In addition, EHSLD identified over one hundred (100) municipalities
119 nationwide that either prohibit or limit the use of tethering.
- 120 ○ **Tether Restrictions in Wisconsin.** Research gathered by EHSLD identified two (2) other
121 Wisconsin municipalities that limit the use of tethering: Racine, WI and Linn, WI.
122 Neighboring municipalities such as the city of Green Bay and city of De Pere do not place
123 limits on tethers.
- 124 **D. Dog Kennel Space Requirements.** The space requirements for dog kennels under this law have been
125 reduced. The purpose of adjusting the space requirements is to better match the square-footage of
126 commercially available kennels. The following chart illustrates the changes in kennel space
127 requirements [*3 O.C. 304.6-2(c)(1)*]:

128
129 **Chart 3. Comparison of Kennel Space Requirements.**

| Weight of the Dog | Current Law | Proposed Law |
|--------------------------|--------------------|---------------------|
| Between 1 and 35 lbs | 80 square feet | 60 square feet |
| Between 36 and 75 lbs | 100 square feet | 80 square feet |
| 76 lbs and greater | 120 square feet | 100 square feet |

- 130
- 131 **E. New Limits on Number of Dogs and Cats.** These amendments establish new limits on the number of
132 dogs and cats that may be kept in a residential household. A residential household is “a residential lot,
133 except for those residential lots designed as multi-family lots, in which each family unit within the lot
134 constitutes a separate household” [*3 O.C. 304.3-1(l)*].
- 135 ▪ **Limit on Number of Dogs.** Under current law, up to three (3) dogs may be kept by a single
136 residential household. Under these proposed amendments, the limit on the number of dogs will be
137 lowered to two (2) [*3 O.C. 304.7-3*].
- 138 ▪ **Limit on Number of Cats.** The limit on the number of cats in a residential household remains
139 unchanged at three (3) cats [*3 O.C. 304.7-3*].
- 140 ▪ **Limit on Total Number of Dogs & Cats Combined.** The limit on the total number of dogs and cats
141 combined in a residential household has been lowered from five (5) dogs and cats combined to four
142 (4) dogs and cats combined.

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Chart 4. Limits on Maximum Number of Dogs and Cats Per Household.

| <i>Animals Per Household</i> | <i>Current Law</i> | <i>Proposed Law</i> |
|--------------------------------|--------------------|---------------------|
| Number of Dogs | 3 | 2 |
| Number of Cats | 3 | 3 |
| Number of Dogs & Cats Combined | 5 | 4 |

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- **Exceptions & Grandfather Clause** [3 O.C. 304.7-3(a)].
 - **Grandfather Clause.** The LOC will include a grandfather clause in the adopting resolution for this law so that residential households who currently have more than two dogs or four dogs and cats combined will be allowed to keep their animals.
 - **Other Exceptions.** The restrictions on the number of dogs and cats do not apply to persons who reside on a farm, or households keeping a litter of pups or kittens for up to five (5) months from birth.

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- F. **New Permit Process to Keep Additional Dogs or Cats.** These amendments create a new permit process for individuals who wish to keep more than two (2) dogs, three (3) cats, or four (4) dogs and cats combined. For each additional dog or cat above the limit, the owner will apply for a permit from the Environmental, Health, Safety and Land Division [3 O.C. 304.7-3(b)].

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- **Applying for Permit for Additional Dogs or Cats.** The owner of the animal and the homeowner (if different) must both sign the application. In addition, the owner must agree that if the household receives two (2) or more nuisance complaints related to their animals within one (1) calendar year, the owner must reduce the number of animals within thirty (30) days.

- **Guidelines.** The amendments do not include any guidelines regarding how EHSLD should determine whether to grant a permit for an additional animal. EHSLD will have discretion to approve or reject any applications above the limit.

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- G. **Keeping Hens.** These amendments add new restrictions and guidelines for keeping hens on a residential lot, commonly known as “backyard hens.” Note that these restrictions do not apply to property zoned agricultural, such as commercial farms [3 O.C. 304.9].

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- **Conditional Use Permits for Keeping Hens.** These amendments alter the requirements for a conditional use permit to keep hens on a residential lot. Currently, a permit is only required for individuals keeping more than four (4) hens on their property. Now, anyone keeping a hen on their property, even one hen, will be required to apply for a conditional use permit.

- **Permits Issued by Land Commission Instead of Conservation.** The conditional use permits for keeping hens will now be issued by the Oneida Land Commission rather than the Conservation Department. The Land Commission is already responsible for issuing conditional use permits for livestock such as horses, cows, and pigs [3 O.C. 304.8]. This change is meant to consolidate permits for hens and livestock in one place.

- **New Limit on Number of Hens.** Under the current law, there is no restriction on the number of hens an owner may keep on their residential lot. These amendments place a new limit the number of hens on a residential lot based on the size of the property:

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Chart 5. Limits on Number of Hens on Residential Lot

| <i>Property Size</i> | <i>Current Law</i> | <i>Proposed Law</i> |
|----------------------|--------------------|----------------------|
| Less than 2 acres | No limit | No more than 6 hens |
| Greater than 2 acres | No limit | No more than 12 hens |

- 184 **H. *Move List of Prohibited Animals to BC Resolution.*** The current Domestic Animals law includes a list
 185 of prohibited animals that cannot kept on the reservation. Rather than keep the list of animals in the
 186 body of the law, the Oneida Business Committee will now adopt the list of prohibited animals by
 187 resolution. The intent of this change is to provide greater flexibility in changing the list of prohibited
 188 animals in the future [3 O.C. 304.10-2].
- 189 **I. *Seizure of Prohibited Animals.*** Under the current law, an unpermitted prohibited animal, such as a
 190 wolf hybrid or large snake, may be seized by the Oneida Conservation Department or its designee. This
 191 has been changed to state that the unpermitted exotic animal may be seized by the Oneida Police
 192 Department and/or the Oneida Conservation Department [3 O.C. 304.10-6].
- 193 **J. *Declaring an Animal Dangerous & Removing Dangerous Animals from Reservation.*** Under the
 194 current law, when a domestic animal, such as a dog, exhibits dangerous behavior, an Oneida Police
 195 Officer or Conservation Warden may declare the animal “dangerous” or “vicious” based on the level
 196 of behavior. Examples of this behavior include chasing, biting, and attacking another animal or person.
- 197 **▪ *Current Dangerous/Vicious Animal Process.*** The following describes the current process to
 198 declare a dog “dangerous” or “vicious”:
 - 199
 - 200 **○ *Dangerous Dog.*** If an animal is declared “Dangerous,” the owner may keep the dog if they
 201 follow certain restrictions for leashing, muzzling, confinement, public signage,
 202 microchipping, and liability insurance. If they are unwilling or unable to follow these
 203 restrictions, the owner must remove the dog from the reservation or have it euthanized.
 - 204 **○ *Vicious Dog.*** If the animal is declared “Vicious,” the Trial Court will order the animal to
 205 be removed from the reservation or destroyed.
 - 206 **○ *Determining Dangerous vs. Vicious.*** Under the current law, the difference between
 207 whether a dog must be removed from the reservation or not can depend on minor details
 208 that must be parsed out by the Trial Court. For example, if a dog bites and lacerates
 209 someone, but the injury does not require stiches, then the dog is declared “dangerous”
 210 instead of “vicious” and could potentially be kept on the reservation.
 - 211 **○ *Comparison to Neighboring Municipalities.*** A review indicates that unlike Oneida, most
 212 neighboring municipalities do not have separate “dangerous” and “vicious” animal
 213 designations. Instead, these municipalities have a single “dangerous animal” designation.
 214 In addition, unlike Oneida, these neighboring municipalities do not allow dogs declared
 “dangerous” to be kept within their boundaries.
 - 215 **▪ *Elimination of Vicious Animal Designation.*** This law eliminates the “Vicious Animal”
 216 designation and creates a single “Dangerous Animal” designation, with a requirement that any
 217 animal declared “dangerous” must be removed from the reservation or destroyed, pending appeal
 218 [3 O.C. 304.11].
 - 219
 - 220 **○ *Effect.*** The effect is that owners will not be able to keep dogs declared dangerous on the
 221 reservation. Eliminating the “Vicious Animal” designation and requiring all animals
 222 declared “Dangerous” to be removed from the reservation or destroyed is intended to
 223 increase public safety. This also places Oneida’s laws in line with neighboring
 224 municipalities and simplifies the process for OPD, Conservation and the Trial Court.

Chart 6. Current Law – Dangerous & Vicious Animal Declaration Process

| | <i>Dangerous Animal Declaration</i> | <i>Vicious Animal Declaration</i> |
|---|---|---|
| <i>Reasons an Animal Declared Dangerous or Vicious</i> | <ul style="list-style-type: none"> - Approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation, or; - Bites, inflicts injury, attacks, or otherwise endangers the | <ul style="list-style-type: none"> - An animal previously declared dangerous not in compliance with requirements of the law. - Has killed a domestic animal or pet without provocation on public or private property. |

| | | |
|--|---|--|
| | safety of a human being or domestic animal without provocation. | <ul style="list-style-type: none"> - Without provocation, has inflicted substantial bodily harm on a person where substantial bodily harm means a bodily injury that causes a laceration that requires stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing. - Is suspected, to be owned, trained or harbored for the purpose of dog fighting. - Has been declared to be a vicious animal and/or ordered to be destroyed in any other jurisdiction. |
| <i>Can the Owner Keep the Animal on the Reservation?</i> | YES, Owner can keep animal on the reservation if they comply with requirements for leash, muzzle, confinement, posting signs on property, spay and neuter, liability insurance, or microchipping. If the owner is unwilling or unable to comply, the animal must be removed from the reservation or euthanized. | NO, the Judiciary Trial Court will order the animal to be removed from the reservation or destroyed. |

226 **Exception: An animal may not be deemed dangerous if it bites, attacks, or menaces any*
 227 *person or animal to defend its owner or another person from attack, protect its young or*
 228 *another animal, or defend itself against any person or animal which has tormented, assaulted*
 229 *or abused it.*

230
 231 **Chart 7. Proposed Law: Dangerous Animal Declaration Process**

| | <i>Dangerous Animal Designation</i> |
|---|---|
| <i>Reasons Animal Declared Dangerous</i> | <ul style="list-style-type: none"> - Approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack; - Bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or domestic animal; - Is suspected to be owned, trained or harbored for the purpose of dog fighting, and/or - Has been declared to be a dangerous animal and/or ordered to be destroyed in any other jurisdiction. |
| <i>Can Owner Keep the Animal?</i> | NO, the dangerous animal will be ordered removed from the reservation within 3 business days. |
| <i>Opportunity to Contest and Appeal?</i> | YES, the owner may contest the dangerous animal declaration by filing a written objection with the Trial Court within 3 business days. The owner may appeal the Trial Court’s decision to the Appeals Court. |

232 **Exception: An animal may not be deemed dangerous if it bites, attacks, or menaces any*
 233 *person or animal to defend its owner or another person from attack, protect its young or*
 234 *another animal, or defend itself against any person or animal which has tormented, assaulted*
 235 *or abused it.*

- 237 **K. *Contesting Dangerous Animal Determination.*** Under the current law, owners whose dogs are declared
238 dangerous automatically receive a pre-hearing date with the Judiciary Trial Court with their citation.
239 The pre-hearing date is held at least thirty (30) days after the citation is issued [3 O.C. 304.11-3].
240 ▪ ***Owner Must Request Hearing.*** Under the new law, individuals who wish to contest a dangerous
241 animal determination must file a written objection to the order within three (3) business days in
242 order to receive a hearing. If the owner does not file within three (3) business days, they will not
243 receive a hearing and must remove the animal.
244 ▪ ***Date of Hearing.*** In addition, the hearing for the dangerous animal determination will now be held
245 by the Trial Court within 14 days of the written objection, rather than 30 days after the citation.
246 This is to ensure that hearings for dangerous animal are held quickly in the interest of public safety.
247 In addition, ERB explained that the original 30-day deadline was likely based on ERB’s hearing
248 schedule prior to hearing authority being transferred to the Oneida Judiciary.
249 ▪ ***Keeping Dangerous Animal Pending Hearing & Appeals.*** Owners of a dangerous animal may
250 keep the animal on the Reservation pending the outcome of hearings and appeals, but only if the
251 animal is confined in accordance with the requirements in this law. These requirements include
252 leash, muzzle, secure confinement, signs warning of dangerous animal on the property, and
253 notifying OPD or Conservation if the animal is at large, unconfined, or attacks another animal or
254 person. If the owner is unable or unwilling to follow these requirements, the animal must be
255 removed from the reservation.
256 **L. *Citation Payments.*** The current law states that citations shall be paid to the Environmental Resource
257 Board (ERB) “or its designee.” This has been revised to state that fines will be paid to the Judiciary.
258 This is consistent with the transfer to hearing authority from ERB to the Trial Court [3 O.C. 304.13-5].
259 **M. *Minor Drafting Changes.*** Minor drafting and formatting changes have been made throughout the law
260 for clarity.
261

262 **SECTION 6. EFFECT ON EXISTING LEGISLATION**

- 263 **A. *References to Other Laws.*** The following laws of the Nation are referenced in the Domestic Animals
264 law. These amendments do not conflict with any of the referenced laws.
265 ▪ ***Garnishment law.*** If a fine issued under this law is not paid by the deadline, the Trial Court may
266 seek to collect money owed through the Nation’s garnishment process [3 O.C. 304.13-5(a)].
267 ▪ ***Per Capita law.*** If a fine issued under this law is not paid by the deadline, the Trial court may seek
268 to collect money owed through the Nation’s per capita attachment process. [3 O.C. 304.13-5(a)].
269 ▪ ***Rules of Appellate Procedure.*** Anyone wishing to contest the determination of the Trial Court may
270 appeal to the Nation’s Court of Appeals in accordance with the Rules of Appellate Procedure. [3
271 O.C. 304.13-4].
272 **B. *Other Laws that Reference Domestic Animals.*** The following laws of the Nation reference the
273 Domestic Animals law. These amendments do not conflict with any of the referenced laws.
274 ▪ ***Zoning and Shoreland Protection law.*** This law states that the raising or keeping of livestock in a
275 single-family residential district shall be in accordance with the Domestic Animals law [6 O.C.
276 604.7-2]. The law also states that setbacks for buildings relating to raising livestock shall be
277 consistent with the setbacks located in the Domestic Animals law [6 O.C. 604.7-2].
278 ▪ ***Landlord Tenant law, Rules #1 & #2.*** These rules state that tenants in the Comprehensive Housing
279 Division’s general rental program may have pets in accordance with the Domestic Animals law [6
280 O.C. 611 – Rules #1 and #2].
281 ▪ ***Hunting, Fishing and Trapping law.*** The purpose of the Hunting, Fishing and Trapping law is to
282 protect and conserve wildlife on the reservation. This law states that any animal that does not fall
283 into the “domestic animal” classification under the Domestic Animal Law is considered “wildlife”
284 for the purpose of the Hunting, Fishing and Trapping law [4 O.C. 406.3(dd)]. The Domestic
285 Animals law states that “domestic animals include, but are not limited to, dogs, cats, ferrets, rabbits,

286 guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians and arachnids but
287 does not include prohibited animals” [3 O.C. 304.5-1].
288 ■ *Emergency Management and Homeland Security law.* The law states that the provisions of the
289 “Oneida Tribal Regulation of Domestic Animals Ordinance” shall not apply during a proclaimed
290 emergency. During a proclaimed emergency, the Conservation Department shall be responsible for
291 the care, disposal and sheltering of all abandoned animals and livestock. Under the Emergency
292 Management and Homeland Security Law, the Oneida Business Committee is responsible for
293 proclaiming the existence of an emergency [3 O.C. 302.8-4].
294

295 **SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS**

296 **A. *Right to Keep Dangerous Animals Within the Reservation.*** This law eliminates the separate
297 “dangerous” and “vicious” animal classifications, and instead combines them into a single “dangerous
298 animal” classification. Previously, if an animal was declared “dangerous” by OPD or Conservation, the
299 owner could keep the dangerous animal on the reservation if they complied with certain requirements.
300 Under these amendments, if an animal is declared dangerous and the declaration is uncontested by the
301 owner or upheld by the Judiciary, the owner will be required to remove the animal from the reservation
302 or have it euthanized.
303 **B. *Deadline to Contest Dangerous Animal Declaration.*** Under current law, an owner whose animal is
304 declared dangerous automatically receives a pre-hearing date with their citation. This hearing is held at
305 least 30 days from the date of citation. These amendments eliminate the automatic pre-hearing. Instead,
306 it is the owner’s responsibility to request a hearing within 3 business days of the citation in order to
307 receive a hearing.
308 **C. *Right to Keep More than 6-12 Hens on a Residential Lot.*** Currently, there is no restriction on the
309 number of hens an owner may keep on their residential lot. This law will limit the number of hens to
310 six (6) or twelve (12) hens per residential lot, depending on the lot size.
311

312 **SECTION 8. ENFORCEMENT AND ACCOUNTABILITY**

313 **A. *Enforcement.*** Oneida Police Officers and Conservation Wardens have the authority to investigate
314 complaints involving domestic animals; enforce provisions of this law through appropriate means,
315 including but not limited to seizing any animal that is taken, employed, used, or possessed in violation
316 of this law and/or mistreated, rabid or otherwise in danger or dangerous; issuing citations consistent
317 with the fine and penalty schedule developed in accordance with this law; and using force to stop an
318 immediate threat to public safety caused by an animal [3 O.C. 304.5-2].
319

320 **SECTION 9. OTHER CONSIDERATIONS**

321 **A. *Oneida Nation Domestic Animal Data.*** The following data is provided for information:
322 ■ ***Oneida Police Department Data.*** Between 12/6/2016 to 12/6/2018:
323 ○ Number of Animal Calls – 810
324 ○ Number of Animal Citations - 33
325 ○ Number of Animal Bites – 12
326 *Source: Oneida Police Department, communication by email 12/6/2018*
327 ■ ***Pet License Data.*** Between 1/3/2016 to 12/13/2018:
328 ○ Number of Pet Licenses Issued – 348
329 ○ *Source: Oneida Environmental, Health Safety and Land Division, communication by email*
330 *12/13/2018.*
331 **B. *Limits on Number of Animals - Comparison to Other Municipalities.*** The following comparisons to
332 other municipalities are provided for information.
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334
335

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Chart 8. Comparison - Limit on Number of Dogs and Cats.

| Municipality/Tribal Nation | Maximum Number of Dogs | Maximum Number of Cats |
|---------------------------------|------------------------|------------------------|
| <i>Oneida Nation (proposed)</i> | 2 | 3 |
| City of Green Bay | 2 | 3 |
| City of De Pere | 2 | 3 |
| Village of Ashwaubenon | 2 | 2 |
| Village of Howard | 2 | n/a |
| Village of Hobart | 2 | n/a |
| Menominee Nation | 3 | n/a |

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338

Chart 9. Comparison - Limit on Number of Hens.

| Municipality/Nation | Max # of Hens w/Permit |
|---------------------------------|---|
| <i>Oneida Nation (proposed)</i> | <i>Between 6-12, depending on size of the lot</i> |
| City of De Pere | 4 |
| City of Green Bay | 4 |
| Village of Ashwaubenon | 4 |
| Village of Howard | Between 4-8, depending on size of the lot |
| Village of Hobart | 6 |

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C. Fine, Penalty and Licensing Fee Schedule. Upon adoption of these amendments, it will be necessary for the Oneida Business Committee to repeal “Rule #1 – Licensing Fees, Fines and Penalties” and adopt a new resolution setting the fines, penalties and licensing fees under this law. At the time this analysis was drafted, EHSLD and ERB have developed an updated fine, penalty and licensing fee schedule for LOC and BC consideration.

- *Proposed Changes to Fine, Penalty and Licensing Fee Schedule.* Proposed changes include increasing the license fee for unaltered dogs and cats from \$10 per year to \$25 per year. License fees for altered (spayed or neutered) dogs and cats remain unchanged at \$5 per year. The intent of this fee increase is to encourage owners to spay or neuter their dogs and cats. In addition, changes were made to various fine amounts for violations of this law. For detailed information on these changes, see the Fiscal Impact Statement and the proposed “Domestic Animals Law Fine, Penalty and Licensing Fee Schedule” resolution included in the adoption materials for this law.
- *Conclusion:* The LOC intends to include an updated fine, penalty and licensing fee schedule resolution with the adoption materials for these amendments. Whether to change any of these amounts is a policy decision for the LOC and the Business Committee.

D. Permits for Additional Dogs and Cats. EHSLD will need to create an application process for individuals who wish to keep additional dogs or cats in excess of the limit established in this law. This law does not include guidelines for how EHSLD should approve or reject applications.

- *City of Green Bay Example.* The City of Green Bay has a similar permit process for additional dogs and cats, and their application includes the following information: Veterinary records from the past year and proof of current vaccinations, proof of current animal licenses, and a statement explaining why the individual is seeking to keep extra animals. According to a local news report from 2018, the city of Green Bay rarely turns down requests for a third dog.
- *Conclusion.* EHSLD should develop a standard operating procedure and application form for this process. Since EHSLD will have its own discretion, a standard operating procedure will ensure applications are handled uniformly.

E. Fiscal Impact. Please refer to the fiscal impact statement for any fiscal impacts.

- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except

368 emergency legislation [*Legislative Procedures Act 1 O.C. 109.6-1*].
369 ■ A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating
370 Committee and may be prepared by any agency who may receive funding if the legislation is
371 enacted; who may administer a program if the legislation is enacted; who may have financial
372 information concerning the subject matter of the legislation; or by the Finance Office, upon request
373 of the Legislative Operating Committee [*Legislative Procedures Act 1 O.C. 109.6-1(a) and (b)*].

374

Title 3. Health and Public Safety - Chapter 304
DOMESTIC ANIMALS
Kátse?na Olihwa'ke
matters concerning the pet animals

| | |
|--|---|
| 304.1. Purpose and Policy | 304.6. Requirements for Dogs and Cats <u>Treatment of Animals</u> |
| 304.2. Adoption, Amendment, Conflicts | 304.7. Treatment of Animals <u>Dogs and Cats</u> |
| 304.3. Definitions | 304.8. Prohibited Animals <u>Livestock</u> |
| 304.4. Jurisdiction | 304.9. Regulation of Livestock <u>Hens</u> |
| 304.5. Licensing, Authority, Investigation, Responsibilities and Enforcement Powers | 304.10. Dangerous Animals and Vicious <u>Prohibited Animals</u> |
| | 304.11. Violations, Enforcement and Appeals <u>Dangerous Animals</u> |

| |
|--|
| <u>304.12. Owner Liability</u> |
| <u>304.13. Enforcement of Violations</u> |

304.1. — Purpose and Policy

304.1-1. *Purpose.* The purpose of this law is to:

- (a) protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals;
- (b) set minimum standards for the treatment of animals;
- (c) prohibit certain species of animals from being brought onto the Reservation;
- (d) regulate the keeping of livestock on lots zoned residential within the Reservation; and
- (e) establish consequences for damages caused by domestic animals.

304.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by:

- (a) requiring certain basic measures to prevent the spread of disease carried by domestic animals;
- (b) establishing requirements for licensing domestic animals, and
- (c) regulating the types of animals which may be kept as domestic animals.

304.2. — Adoption, Amendment, Repeal

304.2-1. This law was adopted by Oneida Business Committee by resolution BC-03-13-96-B and amended by resolutions BC-06-22-11-G ~~and~~, BC-06-28-17-B, and BC- - - - -.

304.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

304.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity ~~does~~shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

304.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

304.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

304.3. — Definitions

304.3-1. This section ~~governs~~shall govern the definitions of words and phrases used within this law. All words not defined herein ~~are to~~shall be used in their ordinary and everyday sense.

(a) “Court of Appeals” means the Nation’s Judiciary’s Court of Appeals, which is the court of final appeal within the Nation.

(b) “District Quarantine” means a rabid or otherwise diseased ~~Domestic Animal~~domestic animal is suspected or known to be within a discernible area and all such animals reasonably suspected of being infected are subject to enforced isolation for a period of time

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to limit or prevent the spread of disease or infection and during which time said animals are tested for diseases, including rabies.

~~(b) “Domestic animals” means dogs, cats, ferrets, rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and arachnids, and all other animals commonly owned as household pets, provided that domestic animals specifically excludes exotic animals as identified in section 304.8-2.~~

~~(c) “Fine” means a monetary punishment issued to a person violating this law and/or.~~

~~(d) “Hen” means a female chicken of the rules created pursuant to this law order and family gallus gallus domesticus.~~

~~(d)-(e) “Husbandry practices” means accepted manner of managing resources, cultivating, and caring for animals including the breeding, feeding, and tending of the animals.~~

~~(f) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.~~

~~(d)-g) “Livestock” means any equine (i.e. horse, donkey, etc.), bovine (i.e. cow, steer, heifer, etc.), sheep, goat, pig, or domestic fowl, including game fowl raised in captivity.~~

~~(e)-h) “Nation” means the Oneida Nation.~~

~~(f)-i) “Owner” means any person who owns, harbors, keeps, controls or acts as a caretaker for an animal. Absent evidence of alternative adult ownership, this law presumes that domestic animals are owned by the adult homeowner or renter.~~

~~(g)-j) “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the confiscation of wildlife with return of the same at the discretion of the Judiciary Trial Court and restitution.~~

~~(h)-k) “Reservation” means all the property within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.~~

~~(i)-(l) “Residential household” means a residential lot, except for those residential lots designed as multi-family lots, in which each family unit within the lot constitutes a separate household.~~

~~(m) “Tethering” means the act of fastening an animal to a stationary object while unattended so that the animal can only range within a set radius. Tethering does not include the use of a leash to walk an animal.~~

~~(n) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.~~

~~(o) “Quarantine” means the act of keeping an animal in enforced isolation for a period of time to limit or prevent the spread of disease or infection and during which time said animal is tested for diseases, including rabies.~~

~~(j) “Tribal member” means an enrolled member of the Nation.~~

304.4. — Jurisdiction

304.4-1. *Personal Jurisdiction.* This law applies to:

(a) All ~~Tribal~~ members of the Nation; the Nation’s entities and corporations; and members of other federally-recognized tribes;

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(b) Individuals and businesses leasing, occupying or otherwise using fee land owned by the Nation or by individual ~~Tribal~~ members of the Nation; and/or lands held in trust on behalf of the Nation or individual ~~Tribal~~ members of the Nation; and

(c) Individuals who have consented to the jurisdiction of the Nation or as otherwise consistent with federal law. ~~For the purposes of this subsection, an~~ An individual shall be considered to have consented to the jurisdiction of the Nation:

(1) By entering into a consensual relationship with the Nation, or with the Nation's entities, corporations, or ~~Tribal~~ members of the Nation, including but not limited to contracts or other agreements; or

(2) By other facts which manifest an intent to consent to the authority of the Nation, including failure to raise an objection to the exercise of personal jurisdiction in a timely manner.

304.4-2. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by the Nation and individual ~~Tribal member~~ trust and/or fee land of a member of the Nation.

304.5. —Authority

304.5-1. *General.* This law governs the keeping of all domestic animals which are commonly owned as household pets. Domestic animals include, but are not limited to, dogs, cats, ferrets, rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and arachnids.

(a) Domestic animals do not include prohibited animals as identified by the prohibited animals resolution provided for in section 304.10-2.

~~304.5-2. Authority of the Oneida Police Department and Conservation Department.~~ Oneida Police Officers and Conservation Wardens shall have the authority to:

(a) investigate complaints involving domestic animals;

(b) enforce the provisions of this law through appropriate means, including but not limited to:

(1) seizing any animal:

~~(A) that is~~ taken, employed, used, or possessed in violation of this law; and/or

~~(B) mistreated, rabid or otherwise in danger or dangerous;~~

(2) issuing citations consistent with the fine and penalty schedule developed ~~according to section 304.5-2. in accordance with this law; and~~

(3) using force, up to and including lethal force, to stop an immediate threat to public safety caused by an animal.

(A) Where lethal force is used, such execution shall be conducted in as humane manner as possible and, to the extent feasible, avoids damage to the animal's head for the purpose of rabies testing.

~~304.5-2. General Rulemaking Authority.~~ 304.5-3. Fine, Penalty, and Licensing Fee Schedule.

The Environmental, Health ~~and~~, Safety, ~~and~~ Land Division and the Environmental Resource Board are hereby delegated joint ~~rulemaking~~ authority to ~~establish and maintain:~~

~~(develop a)~~ A fine and, penalty, and licensing fee schedule;

~~(b)~~ A. The fine, penalty, and licensing fee schedule; and shall be adopted by the Oneida

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123 Business Committee through resolution.

124 ~~(e) Other rules as necessary to enforce and implement this law.~~

125 ~~304.5-4. 304.5-3. Disease Investigation and Quarantine Rulemaking Authority.~~ The
126 Environmental, Health ~~and~~, Safety, and Land Division, the Emergency Management Coordinator,
127 and the Comprehensive Health Division are hereby delegated joint ~~rulemaking~~ authority to
128 establish ~~rules~~ standard operating procedures related to disease investigations and quarantines.

129 ~~304.5-5. 304.5-4. Issuance of Licenses.~~ The Environmental, Health ~~and~~, Safety, and Land
130 Division shall make all decisions related to the issuance of a license and/or permit in accordance
131 with this law, unless otherwise noted.

132
133 **304.6. Treatment of Animals**

134 304.6-1. Food and Water. An owner shall provide an animal with a daily supply of food and
135 water sufficient to maintain the animal in good health.

136 304.6-2. Shelter. An owner shall meet the minimum standards for indoor and outdoor shelter for
137 an animal. All shelter shall be structurally sound and maintained in good repair to protect the
138 animal from injury and to contain the animal.

139 (a) Minimum indoor standards of shelter. Minimum standards for indoor shelter include
140 the following:

141 (1) Temperature. The ambient temperature of the indoor shelter shall be
142 compatible with the health of the animal.

143 (2) Ventilation. Indoor shelter facilities shall be adequately ventilated by natural
144 or mechanical means to provide for the health of the animal at all times.

145 (b) Minimum outdoor standards of shelter. Minimum standards for outdoor shelter include
146 the following:

147 (1) Shelter from Sunlight. When sunlight is likely to cause heat exhaustion of an
148 animal tied or caged outside, sufficient shade by natural or artificial means shall be
149 provided to protect the animal from direct sunlight. Caged does not include farm
150 fencing used to confine livestock.

151 (2) Climatic Conditions. Natural or artificial shelter appropriate to the local
152 climatic conditions for the animal concerned shall be provided as necessary for the
153 health of the animal.

154 (3) Adverse Weather. If an animal is tied or confined unattended outdoors under
155 weather conditions which adversely affect the health of the animal, a weather
156 appropriate shelter of suitable size to accommodate the animal shall be provided.

157 (c) Space Standards. Enclosures shall be constructed and maintained so as to provide
158 sufficient space to allow each animal adequate freedom of movement. Inadequate space
159 may be indicated by evidence of debility, stress, or abnormal behavior patterns.

160 (1) Dog Kennels. Dog kennels shall meet the following space requirements where,
161 if there are multiple dogs in the same kennel, the base kennel space requirement is
162 based on the size of the largest dog and the additional kennel space requirements
163 are based on the size of each additional dog kept in the kennel:

164 (A) Dog Size Between One and Thirty-Five Pounds. A dog that weighs
165 between one (1) and thirty-five (35) pounds shall have a required base

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kennel space of sixty (60) square feet. Required additional kennel space per additional dog of this size is twelve (12) square feet.

(B) Dog Size Between Thirty-Six and Seventy-Five Pounds. A dog that weighs between thirty-six (36) and seventy-five (75) pounds shall have a required base kennel space of eighty (80) square feet. Required additional kennel space per additional dog of this size is eighteen (18) square feet.

(C) Dog Size Seventy-Six Pounds or Greater. A dog that weighs seventy-six (76) pounds or more shall have a required base kennel space of one hundred (100) square feet. Required additional kennel space per additional dog of this size is twenty-four (24) square feet.

(d) Sanitation Standards. An owner shall meet the minimum standards of sanitation for both indoor and outdoor shelter. Minimum sanitation standards require waste matter from the animal to be removed within twenty-four (24) hours of its deposit.

(e) Shelter Exception for Livestock. In the case of livestock kept on farms on land zoned agricultural, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.

304.6-3. Tethering. If a kennel or enclosed yard is not available, an owner may tether an unsupervised animal as long as the owner meets the following conditions:

(a) the tether is connected to the animal with a buckle type collar or body harness made of nylon or leather not less than one inch (1") in width and at least two inches (2") greater in diameter than the animal's neck or torso;

(1) The use of a choke collar, prong collar head harness, or other similar type of head harness or collar shall be prohibited for the use of tethering.

(b) the tether is at least twelve feet (12') long and allows the animal to move in all directions unimpeded;

(c) the total weight of the tether does not exceed ten percent (10%) of the animal's body weight;

(d) the animal is tethered so as to prevent injury, strangulation, or entanglement, and allows the animal access to water and shelter;

(e) the tethered animal is not sick, injured, or nursing;

(f) the animal is not tethered on any vacant property or land or with an unoccupied dwelling; and

(g) the animal is not tethered in a manner that allows the animal to cross onto public space or property of others.

304.6-4. Mistreatment of Animals. No person shall treat any animal in a manner which causes harm, injury or death. This section does not apply to:

(a) normal and accepted veterinary and/or care practices; or

(b) teaching, research or experimentation conducted at a facility regulated under federal or applicable state law.

304.6-5. Mandatory Reporting. An employee of the Nation shall report any animal mistreatment witnessed during the regular course of his or her employment with the Nation to the Oneida Police Department and any other appropriate entity.

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209 304.7.

210 ~~304.6.~~ **Requirements for Dogs and Cats**

211 304.7-1. ~~304.6-1.~~ License Required. ~~An annual~~ An owner shall be required to obtain a license
212 is required to keep for any dog or cat ~~over~~ five (5) months of age ~~or older on an annual basis.~~

213 (a) License Period. The license year ~~commences~~ shall commence on January 1st and
214 ends end on December 31st of every year.

215 (b) License Eligibility. To be eligible for a license, the owner shall provide:

216 (1) the licensing fee; and

217 (2) proof of current rabies vaccination.

218 ~~(b)~~ (c) Placement of License Tag. Upon the receipt of a license the owner shall be provided
219 a license tag for the dog or cat. The owner shall securely attach the license tag to the
220 animal's collar and shall require the animal wear the collar at all times, ~~provided that this~~
221 requirement does not apply to dogs or cats.

222 (1) ~~—~~ (1) Exception. A dog or cat shall not be required to wear the collar if the
223 dog or cat is:

224 (A) hunting or actively involved in herding or controlling livestock if the
225 animal is under control of its owner;

226 (2) ~~—~~ (B) within the owner's residence and/or securely confined in a
227 fenced area; and/or

228 (3) ~~—~~ (C) being shown during a competition.

229 ~~304.6~~ 7-2. Rabies Vaccinations Required. ~~Rabies~~ An owner shall be required to obtain a rabies
230 vaccination is required for any dog or cat five (5) months of age or older.

231 304.7-3. Limit on the Number of Dogs and Cats. An individual may keep no more than two (2)
232 dogs or three (3) cats; and a total of no more than four (4) dogs and cats combined; in a single
233 residential household.

234 (a) Exception. The limit on the number of dogs and cats a person may keep or possess does
235 not apply to a person who:

236 (1) is eligible for any grandfather provisions included in this law's adopting
237 resolution;

238 (2) keeps or possesses a litter of pups or kittens, or a portion of a litter, for a period
239 not exceeding five (5) months from birth;

240 (3) resides on property zoned agricultural; and/or

241 (4) obtains a permit for the additional dog or cat.

242 (b) Permit for Additional Dogs or Cats. A person may keep more than two (2) dogs or
243 three cats (3) in a single residential household if the owner obtains a permit from the
244 Environmental, Health, Safety, and Land Division for the additional animal. The
245 application for the permit must be signed by the owner and contain the signature of the
246 homeowner of the residential household if the homeowner is not the applicant.

247 (1) By seeking a permit for an additional dog or cat the owner agrees that he or she
248 shall reduce the number of licensed dogs or cats on the premises if there are two (2)
249 or more nuisance complaints against the residential household within one (1)
250 calendar year caused by, or related to, the number of dogs or cats housed on the
251 premises.

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(2) If two (2) or more nuisance complaints are received against the residential household due to the number of dogs or cats housed on the premises, the owner shall reduce the number of animals within thirty (30) days.

304.7-4. Running at Large. An owner shall not allow a dog or cat to run at large by being any place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a leash under the control of a person physically able to control the animal.

(a) A stray dog or cat running at large may be referred to the Oneida Police Department or Oneida Conservation Department.

(b) When an Oneida Police Officer or Oneida Conservation Warden finds a dog or cat running at large, the officer and/or warden shall, if possible, pick up and impound such animal.

(c) Whenever any impounded animal bears an identification mark, such as a collar with identification tags or license tag, the owner shall be notified as soon as reasonably possible.

304.7-5. Nuisance. An Oneida Police Officer or Oneida Conservation Warden may pick up and impound a dog or cat that has been found to be a nuisance. A dog or cat shall be found to be a nuisance if the actions of the dog or cat:

(a) resulted in two (2) or more verified disturbances due to excessive barking and/or other noise by the animal, or the animal running at large; and/or

(b) resulted in one (1) or more verified disturbance due to threatening behavior by the animal running at large.

304.7-6. Investigations for Suspected Animal Bites. The owner shall notify the Oneida Police Department in the event the owner's cat or dog bites a human or another domestic animal.

(a) The responding Oneida Police Officer or Oneida Conservation Warden shall:

(1) Ascertain whether the domestic animal is properly licensed and has current vaccinations.

(2) Ensure all information provided is correct.

(3) Contact the Environmental, Health, Safety, and Land Division to provide notification of the domestic animal bite.

(4) If the cat or dog has current rabies vaccinations, order the owner to:

(A) Quarantine the animal for ten (10) days; and

(B) Present the animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10th) day.

(5) If the cat or dog does not have current rabies vaccination, order the owner to:

(A) Quarantine the animal for ten (10) days or deliver the animal to an isolation facility at the owner's expense. If a home quarantine is ordered, the owner shall present the domestic animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10th) day; or

(B) Euthanize the animal and send the specimen for analysis at the owner's expense, if the animal has exhibited any signs of rabies.

(b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine

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295 period. Upon expiration of all quarantine periods, if the veterinarian certifies that the
 296 animal has not exhibited any signs of rabies, the animal may be released from quarantine.

297 (c) If the veterinarian certifies that the animal has exhibited any signs of rabies the
 298 following shall occur:

299 (1) If the animal has current rabies vaccinations, the Oneida Police Officer or
 300 Oneida Conservation Warden may order the animal to be euthanized and send the
 301 specimen for analysis, to be paid for by the Nation.

302 ~~6-3~~(2) If the animal does not have current rabies vaccinations, the Oneida Police
 303 Officer or Oneida Conservation Warden may order the animal to be euthanized and
 304 send the specimen for analysis at the owner's expense.

305 304.7-7. District Quarantine. A district quarantine may be initiated ~~in accordance with the~~
 306 ~~quarantine rules and may be initiated by~~ by staff designated by the Environmental, Health ~~and,~~
 307 Safety, ~~and Land~~ Division, an Oneida Police Officer, an Oneida Conservation Warden, ~~and/or a~~
 308 Public Health Officer.

309 (a) If an area is subject to a ~~District Quarantine~~district quarantine for rabies, all dogs and
 310 cats within the district shall be kept securely confined, tied, leashed or muzzled. Any dog
 311 or cat not confined, tied, leashed or muzzled is a public nuisance and may be impounded.
 312 All Oneida Police Officers and Oneida Conservation Wardens shall cooperate in the
 313 enforcement of the ~~Quarantine~~quarantine.

314 (b) An animal that is immunized against rabies as evidenced by a valid certificate of rabies
 315 vaccination or other evidence is exempt from the district quarantine provisions of this
 316 section.

317 ~~304.6-4. Dogs~~

318 304.8. Livestock

319 304.8-1. An owner shall obtain a conditional use permit from the Oneida Land Commission in
 320 order to keep livestock on land zoned residential.

321 304.8-2. Limitations on Livestock. Livestock kept on land zoned residential are subject to the
 322 following limitations:

323 (a) One (1) large animal per one (1) acre. Examples of large animals include, but are not
 324 limited to, horses, cows, and pigs.

325 (b) One (1) small animal per one-half (½) acre. Examples of small animals include, but
 326 are not limited to, goats, and sheep.

327 (c) One (1) goat or sheep per recorded lot under one-half (½) acre when setback
 328 requirements can be met.

329 304.8-3. Liability for Damage Caused by Livestock at Large. Any person whose livestock
 330 escapes from its normal confined area and becomes at large is responsible for any and all damage
 331 to persons and property caused by such livestock while it is away from its normal confined area.

332 ~~and Cats Running at Large. It is unlawful for any dog or cat owner to permit the animal to be at~~
 333 ~~any place except upon the premises of the owner, unless it is crated, penned, or on a leash under~~
 334 ~~the control of a person physically able to control the animal. In addition, a nuisance dog or cat~~
 335 ~~may be picked up by Oneida Police Officers or Oneida Conservation Wardens. For the purposes~~
 336 ~~of this law, a nuisance dog or cat is one whose actions result in two (2) or more verified~~
 337 ~~disturbances due to excessive barking and/or running loose or one (1) or more verified disturbance~~

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338 ~~due to threatening behavior by a loose dog or cat.~~

339 ~~(a) Stray dogs and cats shall be referred to the Oneida Police Department or Oneida~~
340 ~~Conservation Department.~~

341 ~~(b) Whenever any Oneida Police Officer, Oneida Conservation Warden, or other person~~
342 ~~designated by the Chief of Police finds any dog or cat running at large, the officer/warden~~
343 ~~shall, if possible, pick up, and impound such animal.~~

344 ~~(c) Whenever any impounded animal bears an identification mark, such as a collar with~~
345 ~~identification tags or license tag, the owner shall be notified as soon as reasonably possible.~~

346 ~~304.6-5. Limit on Number of Dogs and Cats. Except as provided in (a), no more than three (3)~~
347 ~~dogs or three (3) cats; and a total of no more than five (5) dogs and cats combined; may be kept or~~
348 ~~possessed by a single residential household. For the purposes of this law, each residential lot,~~
349 ~~excluding residential lots designed as multi family lots, constitutes a separate residential~~
350 ~~household. In cases of multi family lots, each family unit within the lot constitutes a separate~~
351 ~~household.~~

352 ~~(a) Exception.~~

353 **304.9. Hens**

354 **304.9-1. Hen Permit.** An owner shall obtain a conditional use permit from the Oneida Land
355 Commission in order to keep hens on land zoned residential.

356 **304.9-2. Prohibition of Roosters.** An owner shall not keep a rooster on land zoned residential.

357 **304.9-3. Limit on the Number of Hens Allowed.** The ~~limit on the number of dogs and cats~~
358 ~~a person may keep or possess does not apply to those persons who:~~

359 (1) ~~are eligible for any grandfather provisions included this law's adopting~~
360 ~~resolution(s);~~

361 (2) ~~keep or possess a litter of pups or kittens or a portion of a litter for a period not~~
362 ~~exceeding five (5) months from birth; and/or~~

363 (3) ~~reside~~ **hens an owner may keep is dependent** on a farm.

364
365 **304.7. Treatment of Animals**

366 ~~304.7-1. Food and Water. No owner may refuse or neglect to provide an animal with a daily~~
367 ~~supply of food and water sufficient to maintain the animal in good health.~~

368 ~~304.7-2. Shelter.~~

369 ~~(a) Minimum indoor standards of shelter:~~

370 (1) ~~The ambient temperature shall be compatible with the health of the animal.~~

371 (2) ~~Indoor housing facilities shall be adequately ventilated by natural or mechanical~~
372 ~~means to provide for the health of the animals at all times.~~

373 ~~(b) Minimum outdoor standards of shelter:~~

374 (1) ~~Shelter from Sunlight. When sunlight is likely to cause heat exhaustion of an~~
375 ~~animal tied or caged outside, sufficient shade by natural or artificial means shall be~~
376 ~~provided to protect the animal from direct sunlight. "Caged" does not include farm~~
377 ~~fencing used to confine farm animals.~~

378 (2) ~~Natural or artificial shelter appropriate to the local climatic conditions for the~~
379 ~~species concerned shall be provided as necessary for the health of the animal.~~

380 (3) ~~If a dog is tied or confined unattended outdoors under weather conditions which~~

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adversely affect the health of the dog, a weather appropriate shelter of suitable the size to accommodate the dog shall be provided of the residential lot.

~~(c) Space~~ (a) An owner may to keep up to six (6) hens on a residential lot that is smaller than two (2) acres in size.

(b) An owner may keep up to twelve (12) hens on a residential lot two (2) acres in size or larger.

~~304.9-4. Standards. Minimum space requirements for both indoor and outdoor enclosures:~~

~~(1) The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.~~

~~(2) Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns. Specifically, dog kennels shall meet the Keeping Hens. An owner shall keep hens in the following space requirements where, if there are multiple dogs in the same kennel, the base kennel space requirement is based on the size of the largest dog and the additional kennel space requirements are based on the size of each additional dog kept in the kennel manner:~~

| DOG SIZE (LBS) | REQUIRED BASE KENNEL SPACE | REQUIRED ADDITIONAL KENNEL SPACE PER ADDITIONAL DOG |
|----------------|----------------------------|---|
| 1-35 lbs | 80 Sq. Ft. | 12 Sq. Ft. |
| 36-75 lbs | 100 Sq. Ft. | 18 Sq. Ft. |
| 76 lbs or more | 120 Sq. Ft. | 24 Sq. Ft. |

~~(d) Sanitation Standards. Minimum standards of sanitation for both indoor and outdoor enclosures require excreta to be removed within twenty four (24) hours of its deposit. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.~~

~~304.7-3. Mistreatment of Animals. No person may treat any animal in a manner which causes harm, injury or death. This section does not apply to:~~

~~(a) normal and accepted veterinary and/or care practices; or~~

~~(b) teaching, research or experimentation conducted at a facility regulated under federal or applicable state law.~~

~~304.7-4. Criminal Reporting. In addition to taking civil action under this law, any employee of the Nation shall report animal mistreatment to the Oneida Police Department.~~

304.8.(a) No person shall keep a hen over eight (8) weeks of age in a principal structure.

(b) Hens shall be kept within a structure such as a coop or fenced area used exclusively to keep hens and shall provide at least four (4) square feet of space per hen.

(c) No accessory structure used to keep hens shall be located within twenty-five feet (25') of any principal structure which is not owned by the person permitted to keep the hens.

(d) No accessory structure used to keep hens shall be located in a front or side yard.

(e) All hens shall be kept and handled in a sanitary manner to prevent the spread of

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communicable diseases amongst birds or to humans.

304.9-5. *Prohibition of Nuisance Hens.* No owner may keep hens that cause any other nuisance associated with unhealthy conditions, create a public health threat, or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

304.10. Prohibited Animals

~~304.8-1. *Prohibited Animals.*~~ 304.10-1. No person ~~may~~shall bring into, keep, harbor, maintain, offer for sale or barter, act as a custodian, have custody or control of, or release to the wild on the Reservation ~~an exotic~~a prohibited animal.

304.8-10-2. ~~—*Exotic Prohibited Animals.*~~ The ~~following~~Oneida Business Committee shall provide through the adoption of a resolution which orders and families of animals, whether bred in the wild or in captivity, and any or all hybrids are ~~defined as “Exotic prohibited from being on the Reservation.~~

304.10-3. *Prohibited Animals*”- *Exception.* The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

~~(a) Class Mammalia.~~

~~(1) Order Chiroptera (Any bat species)~~

~~(2) Order Artiodactyla, (Hippopotamuses, giraffes, camels, deer) Excluding domestic cattle, swine, sheep, goats, alpaca, and llama.~~

~~(3) Order Carnivora.~~

~~(A) Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals) Excluding domestic cats.~~

~~(B) Family Canidae (Wolves, wolf hybrids, coyotes, coyote hybrids, foxes, jackals) Excluding domestic dogs.~~

~~(C) Family Ursidae. (All bears)~~

~~(D) Family Mustelidae. (Weasels, skunks, martins, minks) Excluding ferrets.~~

~~(E) Family Procyonidae. (Raccoons, coatis)~~

~~(F) Family Hyaenidae. (Hyenas)~~

~~(G) Family Viverridae (Civets, genets, mongooses)~~

~~(4) Order Edentalia. (Anteaters, armadillos, sloths)~~

~~(5) Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders)~~

~~(6) Order Perissodactyla. (Rhinoceroses, tapirs) Excluding horses, goats, and mules.~~

~~(7) Order Primates. (Lemurs, monkeys, chimpanzees, gorillas)~~

~~(8) Order Proboscidea. (Elephants)~~

~~(9) Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs) Excluding guinea pigs, rats, mice, gerbils, and hamsters.~~

~~(b) Class Reptilia.~~

~~(1) Order Squamata.~~

~~(A) Family Helodermatidae. (Gila Monsters and Mexican beaded lizards)~~

~~(B) Family Varaidae. (Any monitor which will normally grow over two feet)~~

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- 461 in length)
- 462 (C) Family Iguanidae. (Only green iguanas and rock iguanas, all others
- 463 allowed)
- 464 (D) Family Boidae. (All species whose adult length may exceed eight (8)
- 465 feet)
- 466 (E) Family Colubridae. (Boomsnangs and African twig snakes)
- 467 (F) Family Elapidae. (Coral snakes, cobras, mambas)
- 468 (G) Family Nactricidae. (Only keelback snakes, all others allowed)
- 469 (H) Family Viperidae. (Copperheads, cottonmouths, rattlesnakes)
- 470 (2) Order Crocodilia. (Crocodiles, alligators, caimans, gavials)
- 471 ~~(e) Class Aves.~~
- 472 (1) Order Falconiformes. (Eagles, hawks, vultures)
- 473 (2) Order Rheiformes. (Rheas)
- 474 (3) Order Struthioniformes. (Ostriches)
- 475 (4) Order Casuariiformes. (Cassowaries and emus)
- 476 (5) Order Strigiformes. (Owls)
- 477 ~~(d) Class Arachnida.~~
- 478 (1) Order Scorpiones, Family Buthidae.
- 479 (A) Arabian fat-tailed scorpion—*Androctonus crassicauda*
- 480 (B) Arizona centruroides scorpion—*Centruroides exilicauda*
- 481 (C) Death stalker—*Leiurus quinquestriatus*
- 482 (D) Egyptian yellow scorpion—*Androctonus Amoreuxi*
- 483 (E) Israeli black scorpion—*Hottentotta judaicus*
- 484 (F) S.A. giant fat-tailed scorpion—*Parabuthus transvaalicus*
- 485 (G) Sinai desert scorpion—*Androctonus bicolor*
- 486 (H) Yellow desert scorpion—*Androctonus Australia*
- 487 (2) Order Araneae, Family Therididae.
- 488 (A) Argentina red widow spider—*Latrodectus coralinus*
- 489 (B) Brown widow spider—*Latrodectus geometicus*
- 490 (C) Red-black widow—*Lactrodectus hasselti*
- 491 (D) Red widow spider—*Lactrodectus bishop*
- 492 (E) Southern black widow spider—*Lactrodectus mactans*
- 493 (F) Western widow—*Lactrodectus Hesperus*
- 494 (3) Order Araneae, Family Laxoseelidae, Brown recluse spider—*Loxoseeles*
- 495 *reclusa*
- 496 ~~(e) Class Chilopoda.~~
- 497 (1) Order Scolopendromorpha, Family Scolopendridae.
- 498 (A) Amazon giant banded centipede—*Scolopendra gigantea*
- 499 (B) Arizona tiger centipede—*Scolopendra viridis*
- 500 (C) Florida keys centipede—*Solopendra alternans*
- 501 ~~(f) Any Federal or State endangered or threatened species.~~
- 502 ~~304.8 3. This section does~~ **prohibition of certain animals shall** not apply to:
- 503 (a) Individuals who are eligible for any grandfather provisions included **in** this law's

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adopting resolution(s).

(b) ~~Zoological parks~~ A zoological park and/or sanctuary, an educational or medical institution, and/or a specially trained entertainment ~~organizations~~ organization who ~~receives~~ receives a permit from the ~~Oneida Conservation Department~~ Environmental, Health, Safety, and Land Division to own, harbor or possess the ~~animals.~~ prohibited animal.

~~(1)~~ 304.10-4. Prohibited Animal Permit. The Environmental, Health ~~and~~, Safety, and Land Division may issue a prohibited animal permit ~~under this section~~ if:

(A) ~~a~~ a the ~~animals~~ animal and animal quarters are kept in a clean and sanitary condition and maintained to eliminate objectionable odors; and

(B) ~~b~~ b the ~~animals are~~ animal is maintained in quarters so constructed as to prevent ~~their~~ its escape.

~~(2) If approved by the Oneida Conservation Department, wildlife refuges/sanctuaries may release~~ 304.10-5. Release of Prohibited Animals. The Environmental, Health, Safety, and Land Division, may approve a wildlife refuge and/or sanctuary to release prohibited animals within the Reservation without applying for and receiving a ~~permit as otherwise required under this Section.~~

~~304.8-4.~~ Seized Animals. Any animal seized as a prohibited animal permit.

304.10-6. Seizure of Prohibited Animals. An unpermitted prohibited animal may be seized by the Oneida Police Department and/or the Oneida Conservation Department.

(a) A prohibited animal that is seized shall be held by the Oneida Police Department, the Oneida Conservation Department, or its designee until ~~that animal is identified to ascertain whether it can be determined if~~ the animal is an “endangered or threatened species” ~~pursuant applicable laws.~~

(b) At any time after such identification, the Oneida Police Department and/or Oneida Conservation Department may seek an order from ~~a hearing body~~ the Trial Court as to the care, custody and control of the animal. ~~The Oneida Conservation Department may also request the defendant to post a bond in an amount sufficient to satisfy the costs of holding, housing and/or caring for the animal.~~

(c) If the ~~hearing body~~ Trial Court finds the animal has been taken, employed, used or possessed in violation of this section, the owner shall be responsible for reimbursing the Oneida Police Department and/or the Oneida Conservation Department for the cost of holding the animal and any costs incurred in identifying the ~~animals shall be assessed against the defendant~~ animal.

~~304.8-5~~ 10-7. Notice of Release or Escape. If an animal identified as The owner of a prohibited ~~under this section is~~ animal that has been released or escapes, ~~the owner of the animal~~ shall immediately notify the Oneida Police Department and/or the Oneida Conservation Department and/or ~~the Oneida Police Department and~~ shall be liable for any cost of recapture of the animal.

304.10-8-6. Forfeiture of the Prohibited Animal. Anyone An owner found in violation of this section shall forfeit or surrender the prohibited animal to the Oneida Police Department, Oneida Conservation Department, or designee. Upon such forfeiture or surrender, the ~~Judiciary~~ Trial Court may direct destruction or transfer of the animal to a qualified zoological, educational, or scientific institution or qualified private propagator for safekeeping, with costs assessed against the

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547 ~~defendant~~owner.

548
549 **304.9.— Regulation of Livestock**

550 ~~304.9-1. Livestock may only be kept on land zoned residential if a conditional use permit is~~
551 ~~received from the Oneida Land Commission, however, not in excess of the following limitations:~~

552 ~~(a) One (1) large animal per one (1) acre. Examples of large animals include, but are not~~
553 ~~limited to horses, cows and pigs.~~

554 ~~(b) One (1) small animal per one half (1/2) acre. Examples of small animals include, but~~
555 ~~are not limited to goats and sheep.~~

556 ~~(c) One (1) goat or sheep per recorded lot under one half (1/2) acre when setback~~
557 ~~requirements can be met.~~

558 ~~304.9-2. Liability for Damage Caused by Livestock.—Any person whose livestock escapes from~~
559 ~~its normal confined area and becomes at large is responsible for any and all damage to persons and~~
560 ~~property caused by such livestock while it is away from its normal confined area.~~

561 ~~304.9-3. Hens. A permit from the Oneida Conservation Department, based on the rules it shall~~
562 ~~develop, is required in order to keep an excess of four (4) hens. Roosters may not be kept.~~

563 ~~(a) Persons keeping hens shall keep them in the following manner:~~

564 ~~(1) No person may keep a hen over eight (8) weeks of age in a principal structure.~~

565 ~~(2) Hens shall be kept within a structure such as a coop or fenced area used~~
566 ~~exclusively to keep hens and shall provide at least four (4) square feet per chicken.~~

567 ~~(3) No accessory structure used to keep hens may be located within twenty five~~
568 ~~feet (25') of any principal structure which is not owned by the person licensed to~~
569 ~~possess the hens.~~

570 ~~(4) No accessory structure used to keep hens may be located in a front or side yard.~~

571 ~~(b) In addition to compliance with the requirements of this section, no person may keep~~
572 ~~hens that cause any other nuisance associated with unhealthy condition, create a public~~
573 ~~health threat or otherwise interfere with the normal use of property or enjoyment of life by~~
574 ~~humans or animals.~~

575
576 **304.1011. Dangerous Animals**

577 ~~304.1011-1. Classifying Dangerous Animals. Owners of animals meeting the definition of No~~
578 ~~person shall own, keep, possess, return to or harbor a dangerous animal shall comply with the~~
579 ~~requirements contained in section 304.10-2 for harboring dangerous animals.~~

580 ~~(a) ——— For the purposes of this law, an An animal ~~is~~shall be presumed to be dangerous if ~~it~~the~~
581 ~~animal:~~

582 ~~(1a) approaches or chases a human being or domestic animal in a menacing fashion or~~
583 ~~apparent attitude of attack, without provocation; or;~~

584 ~~(2b) bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or~~
585 ~~domestic animal without provocation.;~~

586 ~~(b) An animal may not be deemed a dangerous animal if it bites, attacked or menaces any~~
587 ~~person or animal to:~~

588 ~~(c) is suspected to be owned, trained or harbored for the purpose of dog fighting; and/or~~

589 ~~(d) has been declared to be a dangerous animal and/or ordered to be destroyed in any other~~

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jurisdiction.

304.11-2. *Dangerous Animal Determination.* An Oneida Police Officer or Oneida Conservation Warden may determine an animal to be dangerous whenever, upon investigation, the officer finds that the animal meets the definition of dangerous animal provided in section 304.11-1.

(a) Upon making a determination that an animal is dangerous, the Oneida Police Officer or Oneida Conservation Warden shall issue a written order with an accompanying citation declaring the animal to be dangerous.

(b) The citation and order shall be personally delivered to the apparent owner or custodian of the dangerous animal.

(c) Upon receipt of the written order and accompanying citation the owner shall remove the dangerous animal from the Reservation within three (3) business days.

304.11-3. *Contesting a Dangerous Animal Determination.* If the owner wishes to contest the dangerous animal determination, he or she shall file with the Trial Court a written objection to the order within three (3) business days of receipt of the order.

(a) The written objection shall include specific reasons for objecting to or contesting the order. An owner may argue an animal should not be deemed dangerous due to the animal biting, attacking or menacing any person and/or domestic animal because the animal was acting to:

- (1) defend its owner or another person from an attack by a person or animal;
- (2) protect its young or another animal;
- (3) defend itself against any person or animal which has tormented, assaulted or abused it; and/or
- (4) defend its owner's property against trespassers.

~~(e) An Oneida Police Officer or Oneida Conservation Warden may, in his or her discretion, declare an animal dangerous, provided that, a citation for a violation of this section may be issued without having previously received such a declaration.~~

~~(d) An owner of an animal declared to be dangerous may appeal such declaration in accordance with section 304.12-2. All requirements for harboring dangerous animals in section 304.10-2 except subsections (d)-(f) apply to the animal pending~~ (b) Pending the outcome of the hearing unless specifically stayed by, the animal shall be securely confined in a humane manner either on the Judiciary.

~~304.10-2. *Harboring Dangerous Animals.* No person may harbor or keep a dangerous animal within premises of the Reservation unless all provisions of this section are complied with. Any animal that is determined to be a vicious animal in accordance with section 304.10-3 may not, under any circumstances, be kept or harbored within owner or caretaker, or with a licensed veterinarian. If confined on the Reservation, premises of the owner or caretaker, the following requirements shall apply:~~

~~(a) 1) *Leash and Muzzle.* No person keeping or possessing owner shall permit a dangerous animal may permit such animal to go outside its kennel or pen unless the animal is securely leashed~~ restrained with a leash no longer than four feet (4') in length-

- ~~(1) No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless~~ by a person who is at least sixteen (16) years of age or older who is in physical control of the leash, competent to

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govern the animal and capable of physically controlling and restraining the animal
is in physical control of the. The owner shall not leash.

~~(2) The an animal may not be leashed to inanimate objects such as trees, posts and buildings.~~

~~(3) A dangerous a tree, post, or building. When the animal is on a leash outside the animal's kennel must be muzzled, the owner shall muzzle the animal in a humane way by a commercially available muzzling device sufficient to prevent the animal from biting persons or other animals. The Environmental Health and Safety Division, with approval of the Environmental Resource Board, may provide a written exception excusing an otherwise dangerous animal from being muzzled. If such a written exception is issued, it shall be carried by the animal's owner at all times. a person or other animal.~~

~~(b) 2) Confinement. Except when leashed and muzzled as provided in subsection (a) above, all the owner shall ensure the dangerous animals shall be animal is securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner and constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition.~~

~~(1) Confinement Outdoors. When constructed in an open yard, the pen or kennel The owner shall, at a minimum, be constructed to conform to the requirements of this subsection.~~

~~(A) The pen or kennel shall be child proof from the outside and not permit an animal proof from the inside.~~

~~(B) A strong metal double fence with adequate space between fences (at least two feet (2')) shall be provided so that a child cannot reach into the animal enclosure.~~

~~(C) The pen, kennel or structure shall have secure sides and a secure top attached to all sides.~~

~~(D) A structure used to confine a dangerous animal shall be locked with a key or combination lock when the animal is within the structure.~~

~~(E) The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than two feet (2')~~

~~(F) All structures erected to house dangerous animals shall comply with the requirements of all applicable laws and rules of the Nation.~~

~~(G) All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.~~

~~(2) Confinement Indoors. No dangerous animal may to be kept on a porch, patio, or in any part of a house or structure on the premises of the owner that would allow the animal to exit the building on its own volition. No dangerous The owner shall not permit the animal may to be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.~~

~~(e) 3) Signs. The owner of a dangerous animal shall display, in prominent places~~

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on his or her premises near all entrances to the premises, signs in letters of not less than two inches (2”) high warning that there is a dangerous animal on the property. A similar sign ~~is required to~~ shall be posted on the kennel or pen of the animal. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.

~~(d) Spay and Neuter Requirement. If declared~~ 4) Notification. The owner of a dangerous animal shall notify the Oneida Police Department and/or the Oneida Conservation Department immediately if the animal is at large, is unconfined, has attacked another animal, or has attacked a person.

(c) If an owner or caretaker fails to follow the requirements for harboring a dangerous animal pending a hearing, the animal may be impounded by an the Oneida Police Officer or Oneida Conservation Officer, Warden issuing the owner dangerous animal determination.

304.11-4. Dangerous Animal Determination Hearing. A hearing on the dangerous animal determination shall be held within thirty (30) ~~fourteen (14)~~ days after the declaration shall provide the Environmental Resource Board with of submission of the written proof from a licensed veterinarian objection with the Trial Court. At the hearing, the Trial Court shall determine whether the determination that the animal has been spayed or neutered is dangerous should be substantiated.

~~(e) Liability Insurance. If declared dangerous by an Oneida Police Officer or Oneida Conservation Officer, the owner of the dangerous animal shall present proof to the Environmental Resource Board.~~ (a) If the Trial Court concludes that the determination that the animal is dangerous is substantiated, then the Trial Court shall issue an order that mandates the animal be removed from the Reservation within forty-eight (48) hours of the determination.

(1) The order shall contain the requirement that the owner has procured liability insurance in an amount not less than \$1,000,000 for any personal injuries inflicted by the dangerous animal. Whenever such a policy is cancelled or not renewed, the insurer shall so notify the Environmental Resource Board.

~~(f) Microchipping. If declared dangerous by an Oneida Police Officer or Oneida Conservation Officer, the owner of the dangerous animal shall provide proof to the Environmental Resource Board that the dangerous animal has had a microchip inserted for identification purposes within ten (10) calendars from the date the animal is declared dangerous.~~

~~(g) Ongoing Notification Requirements. After an animal has been declared dangerous, the owner shall have an ongoing duty to notify the Oneida Police Department:~~

~~(1) immediately if the dangerous animal is at large, is unconfined, has attacked another animal or has attacked a human being; and~~

~~(2) within twenty-four (24) hours if a the dangerous animal has died, been sold or been given away. If the dangerous animal has been sold or given away, the owner shall also provide the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or given away to a person residing outside the Reservation or to a person or entity that falls outside of the~~

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719 jurisdiction of this law, the owner shall present evidence to the Oneida Police
720 Department showing that he or she has notified the police department or other law
721 enforcement agency of the animal's new residence, including the name, address and
722 telephone number of the new owner. The Oneida Police Department shall forward
723 all such notifications to the Environmental ~~Resource Board~~, Health, Safety, and
724 Land Division within a reasonable amount of time.

725 ~~(h) Waiver by the Environmental Resource Board. Upon request of an owner, the~~
726 ~~Environmental Resource Board may waive any requirement specified in subsections (a)~~
727 ~~(f) that the Environmental Resource Board deems to be unnecessary for a particular~~
728 ~~dangerous animal. The Environmental Resource Board may waive the provisions of~~
729 ~~subsections (a) (f) for a law enforcement or military animal upon presentation by the~~
730 ~~animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.~~

731 ~~(i) Euthanasia. If the owner of an animal that has been designated a dangerous animal is~~
732 ~~unwilling or unable to comply with the regulations for keeping the animal in accordance~~
733 ~~with this section, he or she may have the animal humanely euthanized by an animal shelter,~~
734 ~~the humane society or a licensed veterinarian.~~

735 ~~304.10 3. Vicious Animals. No person may bring or keep within the Reservation any animal that~~
736 ~~is a vicious animal under this section.~~

737 ~~(a) Declaration of Vicious Animal. An Oneida Police Officer, Oneida Conservation~~
738 ~~Warden and/or the Judiciary Trial Court may declare an animal to be a vicious animal if~~
739 ~~the animal:~~

740 ~~(1) Is a dangerous animal in noncompliance with the requirements under Section~~
741 ~~304.10 2;~~

742 ~~(2) Has killed a domestic animal or pet without provocation on public or private~~
743 ~~property;~~

744 ~~(3) Without provocation, has inflicted substantial bodily harm on a person on~~
745 ~~public or private property where substantial bodily harm means bodily injury that~~
746 ~~causes a laceration that requires stitches, any fracture of a bone, a concussion, a loss~~
747 ~~or fracture of a tooth or any temporary loss of consciousness, sight or hearing;~~

748 ~~(4) Is suspected to be owned, trained or harbored for the purpose of dog fighting;~~
749 ~~and/or~~

750 ~~(5) Has been declared to be a vicious animal and/or ordered to be destroyed in any~~
751 ~~other jurisdiction.~~

752 ~~(b) Mandatory Hearing. The owner of an animal declared to be a vicious animal shall~~
753 ~~attend a mandatory pre-hearing with the Judiciary Trial Court, the date for which shall be~~
754 ~~included on the declaration of vicious animal. At the pre-hearing it may be determined that~~
755 ~~mandatory attendance at Judiciary Trial Court hearing is also required if restitution is~~
756 ~~appropriate. The pre-hearing and any hearings are subject to the requirements contained~~
757 ~~in section 304.12 2.~~

758 ~~(1) All requirements for harboring dangerous animals in section 304.10 2 except~~
759 ~~subsections (d) (f) apply to the said animal pending the outcome of the Judiciary~~
760 ~~Trial Court's pre-hearing and/or hearing.~~

761 ~~(2) At the pre-hearing, the Judiciary Trial Court may require the animal to be~~

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~~impounded pending the result of the hearing.~~

~~(3) The Judiciary Trial Court may order a vicious animal to be destroyed if it finds it was so declared based on section 304.10 3(a)(3). If such an order is issued, the Judiciary~~ (b) The Trial Court may order a dangerous animal to be destroyed. If such an order is issued, the Trial Court shall require the owner submit proof of destruction within five (5) business days from a licensed veterinarian. If the owner does not satisfy these requirements, an Oneida Police Officer and/or an Oneida Conservation Warden shall seize the animal and enforce compliance at the cost of the owner.

~~(4) If the declaration of vicious animal is upheld upon appeal, the Judiciary Trial Court shall order the animal to be removed from the Reservation. Such order shall include the notification requirements contained in section 304.10 2(g) and provide the owner with a reasonable timeframe for removing the animal from the Reservation, provided that the timeframe may not exceed thirty (30) days after the date of the Judiciary Trial Court's decision.~~

~~(5) If the owner further appeals the~~ (c) The Trial Court may mandate attendance at an additional Trial Court hearing if restitution is appropriate.

304.11-5. Appeal of the Trial Court's Decision. An appeal of the Trial Court's decision on the dangerous animal determination of the Judiciary Trial Court may be appealed to the Judiciary Nation's Court of Appeals, he or she shall submit the

(a) An appeal shall be submitted to the Court of Appeals within five (5) business days from the date of the Judiciary Trial Court's decisions, which is a shorter timeframe than required for all other appeals under this law. Trial Court's decision.

(b) Upon an appeal to the Judiciary Court of Appeals, the requirement to order to remove the animal from the Reservation or any order to destroy an animal is stayed pending the outcome of the appeal.

~~(c) Enforcement. An Oneida Police Officer or Oneida Conservation Warden~~ 604.11-6. Dangerous Animal Exception. The Trial Court may make any inquiries deemed necessary to ensure compliance with this section and may seize provide an exception to the dangerous animal based on the owner's failure to comply.

~~(d) Waiver. The Judiciary may waive the provisions of this section~~ law for a law enforcement or military animal upon presentation by the animal's animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

~~304.10 4. Investigations for Suspected Domestic Animal Bites. The owner shall notify the Oneida Police Department in the event the owner's cat or dog bites a human or another domestic animal.~~

~~(a) The responding Oneida Police Officer or Oneida Conservation Warden shall:~~

~~(1) Ascertain whether the domestic animal is properly licensed and has current vaccinations.~~

~~(2) Ensure all information provided is correct.~~

~~(3) Contact the Environmental, Health and Safety Division to notify them of the domestic animal bite.~~

~~(4) If the cat or dog has current rabies vaccinations, order the owner to:~~

~~(A) Quarantine the animal for ten (10) days; and~~

~~(B) Present the animal for examination by a veterinarian within twenty four~~

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~~(24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty four (24) hours and the tenth (10th) day.~~

~~(5) If the cat or dog does not have current rabies vaccination, order the owner to:~~

~~(A) Quarantine the animal for ten (10) days or deliver the animal to an isolation facility at the owner's expense. If a home quarantine is ordered, the owner shall present the domestic animal for examination by a veterinarian within twenty four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty four (24) hours and the tenth (10th) day; or~~

~~(B) Euthanize the animal and send the specimen for analysis at the owner's expense, if the animal has exhibited any signs of rabies.~~

~~(b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine period. Upon expiration of all quarantine periods, if the veterinarian certifies that the animal has not exhibited any signs of rabies, the animal may be released from quarantine.~~

~~(c) If the veterinarian certifies that the animal has exhibited any signs of rabies the following shall occur:~~

~~(1) If the animal has current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis, to be paid for by the Nation.~~

~~(2) If the animal does not have current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis at the owner's expense.~~

304.112. Owner Liability for Domestic Animals

~~304.112-1.~~ **Owners are** An owner shall be liable for damages caused by their ~~his or her~~ domestic animal(s).

(a) *First Offense.* The owner is liable for the full amount of damages caused by the domestic animal.

(b) *Subsequent Offenses.* The owner shall be liable for two (2) times the full amount of damages caused by the domestic animal if the owner knew or should have known that the domestic animal previously caused damages.

304.12.—Violations, 13. Enforcement and Appeals of Violations

~~304.1213-1.— Citations.~~ Citations for the violation of this law and/or orders issued pursuant to this law may include fines, penalties and conditional ~~and other~~ orders in accordance with the fine, penalty, and licensing fee schedule ~~developed under section 304.5 2. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~

~~(a) Any order issued pursuant to this law that is not complied with may be physically enforced by Oneida Police Officers or Oneida Conservation Wardens at the Owner's expense.~~

~~(b) The Oneida Police Department, by means of Oneida Police Officers and Oneida Conservation Wardens, is authorized to take any appropriate action to prevent or remove a~~

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violation of this Law.

304.12~~13~~-2.— ~~Citation Pre-Hearing and Appeals of Contested Actions.~~ All citations, orders and declarations issued pursuant to this law shall include a pre-hearing date with the Judiciary Trial Court which shall be set for the next scheduled monthly ~~prehearing~~pre-hearing date that is at least thirty (30) days after the citation was issued. The act of contesting a dangerous animal determination shall follow the process contained in section 304.11.

(a) Persons wishing to contest a citation shall appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued. ~~The Judiciary~~

(b) In addition to scheduling requested hearings, the Trial Court may also make conditional orders at the pre-hearing which are effective until the matter is resolved.

304.13-3. Citation Hearing. ~~The Trial Court~~ shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. ~~In addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved.~~

~~(a) Community Service.~~ Community service may be substituted for monetary fines at the Judiciary's discretion, provided that, if so substituted, the Judiciary shall use the rate of one (1) hour per ten dollars (\$10) of the fine.

~~(b) Allocation of Citation Revenue.~~ All citations shall be paid to the Environmental Resource Board or its designee, the proceeds of which shall be contributed to General Fund.

~~(c) Appealing the Decision of the Judiciary~~ 304.13-4. Appeals of the Trial Court's Determinations. Any person wishing to contest the determination of the Judiciary Trial Court may appeal to the ~~Judiciary~~Nation's Court of Appeals in accordance with the Rules of Appellate Procedure.

~~(d) Pursuing Payment of a Citation.~~ ~~The Environmental Resource Board may pursue~~ 304.13-5. Fines. All fines shall be paid to the Judiciary. Cash shall not be accepted for payment of fines. Money received from parties who have failed fines shall be contributed to the General Fund.

(a) Fines shall be paid within ninety (90) days after the order is issued or upheld on final appeal, whichever is later. If the fine is not paid by this deadline, the Trial Court may seek to makecollect the required paymentsmoney owed through the Nation's garnishment process contained in the Garnishment law and/or by attaching the judgment to Tribal member's per capita attachment process.

(1) The ninety (90) day deadline for payment pursuant to the Per Capita law of fines may be extended if an alternative payment plan is approved by the Trial Court.

(b) Community service may be substituted for part or all of any fine at the minimum wage rate of the Nation for each hour of community service.

End.

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891 Amended – BC-06-22-11-G
892 Amended – BC-06-28-17-B
893 Amended – BC- - - -
894

1 **Title 3. Health and Public Safety - Chapter 304**
2 **DOMESTIC ANIMALS**
3 **Kátse?na Olihwá·ke**
4 *matters concerning the pet animals*
5

| | |
|---------------------------------------|-----------------------------------|
| 304.1. Purpose and Policy | 304.8. Livestock |
| 304.2. Adoption, Amendment, Conflicts | 304.9. Hens |
| 304.3. Definitions | 304.10. Prohibited Animals |
| 304.4. Jurisdiction | 304.11. Dangerous Animals |
| 304.5. Authority | 304.12. Owner Liability |
| 304.6. Treatment of Animals | 304.13. Enforcement of Violations |
| 304.7. Dogs and Cats | |

1
2 **304.1. Purpose and Policy**

3 304.1-1. *Purpose.* The purpose of this law is to:

- 4 (a) protect the health, safety, and welfare of the community by requiring certain basic
5 measures to prevent the spread of disease carried by domestic animals;
6 (b) set minimum standards for the treatment of animals;
7 (c) prohibit certain species of animals from being brought onto the Reservation;
8 (d) regulate the keeping of livestock on lots zoned residential within the Reservation; and
9 (e) establish consequences for damages caused by domestic animals.

10 304.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the
11 community by:

- 12 (a) requiring certain basic measures to prevent the spread of disease carried by domestic
13 animals;
14 (b) establishing requirements for licensing domestic animals, and
15 (c) regulating the types of animals which may be kept as domestic animals.
16

17 **304.2. Adoption, Amendment, Repeal**

18 304.2-1. This law was adopted by Oneida Business Committee by resolution BC-03-13-96-B and
19 amended by resolutions BC-06-22-11-G, BC-06-28-17-B, and BC-__-__-__.

20 304.2-2. This law may be amended or repealed by the Oneida Business Committee and/or
21 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

22 304.2-3. Should a provision of this law or the application thereof to any person or circumstances
23 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
24 to have legal force without the invalid portions.

25 304.2-4. In the event of a conflict between a provision of this law and a provision of another law,
26 the provisions of this law shall control.

27 304.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.
28

29 **304.3. Definitions**

30 304.3-1. This section shall govern the definitions of words and phrases used within this law. All
31 words not defined herein shall be used in their ordinary and everyday sense.

32 (a) “Court of Appeals” means the Nation’s Judiciary’s Court of Appeals, which is the court
33 of final appeal within the Nation.

34 (b) “District Quarantine” means a rabid or otherwise diseased domestic animal is suspected
35 or known to be within a discernible area and all such animals reasonably suspected of being
36 infected are subject to enforced isolation for a period of time to limit or prevent the spread
37 of disease or infection and during which time said animals are tested for diseases, including
38 rabies.

39 (c) “Fine” means a monetary punishment issued to a person violating this law.

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- 40 (d) “Hen” means a female chicken of the order and family gallus gallus domesticus.
 41 (e) “Husbandry practices” means accepted manner of managing resources, cultivating, and
 42 caring for animals including the breeding, feeding, and tending of the animals.
 43 (f) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was
 44 established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer
 45 the judicial authorities and responsibilities of the Nation.
 46 (g) “Livestock” means any equine (i.e. horse, donkey, etc.), bovine (i.e. cow, steer, heifer,
 47 etc.), sheep, goat, pig.
 48 (h) “Nation” means the Oneida Nation.
 49 (i) “Owner” means any person who owns, harbors, keeps, controls or acts as a caretaker
 50 for an animal. Absent evidence of alternative adult ownership, this law presumes that
 51 domestic animals are owned by the adult homeowner or renter.
 52 (j) “Penalty” means a punishment, other than a fine, imposed on a person violating this
 53 law and may include, but is not limited to, the confiscation of wildlife with return of the
 54 same at the discretion of the Trial Court and restitution.
 55 (k) “Reservation” means all the property within the exterior boundaries of the Reservation
 56 of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566,
 57 and any lands added thereto pursuant to federal law.
 58 (l) “Residential household” means a residential lot, except for those residential lots
 59 designed as multi-family lots, in which each family unit within the lot constitutes a separate
 60 household.
 61 (m) “Tethering” means the act of fastening an animal to a stationary object while
 62 unattended so that the animal can only range within a set radius. Tethering does not include
 63 the use of a leash to walk an animal.
 64 (n) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.
 65 (o) “Quarantine” means the act of keeping an animal in enforced isolation for a period of
 66 time to limit or prevent the spread of disease or infection and during which time said animal
 67 is tested for diseases, including rabies.
 68

69 **304.4. Jurisdiction**

70 304.4-1. *Personal Jurisdiction.* This law applies to:

- 71 (a) All members of the Nation; the Nation’s entities and corporations; and members of
 72 other federally-recognized tribes;
 73 (b) Individuals and businesses leasing, occupying or otherwise using fee land owned by
 74 the Nation or by individual members of the Nation; and/or lands held in trust on behalf of
 75 the Nation or individual members of the Nation; and
 76 (c) Individuals who have consented to the jurisdiction of the Nation or as otherwise
 77 consistent with federal law. An individual shall be considered to have consented to the
 78 jurisdiction of the Nation:
 79 (1) By entering into a consensual relationship with the Nation, or with the Nation’s
 80 entities, corporations, or members of the Nation, including but not limited to
 81 contracts or other agreements; or
 82 (2) By other facts which manifest an intent to consent to the authority of the Nation,

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83 including failure to raise an objection to the exercise of personal jurisdiction in a
84 timely manner.

85 304.4-2. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by
86 the Nation and individual trust and/or fee land of a member of the Nation.

87

88 **304.5. Authority**

89 304.5-1. *General.* This law governs the keeping of all domestic animals which are commonly
90 owned as household pets. Domestic animals include, but are not limited to, dogs, cats, ferrets,
91 rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and
92 arachnids.

93 (a) Domestic animals do not include prohibited animals as identified by the prohibited
94 animals resolution provided for in section 304.10-2.

95 304.5-2. *Authority of the Oneida Police Department and Conservation Department.* Oneida
96 Police Officers and Conservation Wardens shall have the authority to:

97 (a) investigate complaints involving domestic animals;

98 (b) enforce the provisions of this law through appropriate means, including but not limited
99 to:

100 (1) seizing any animal that is taken, employed, used, or possessed in violation of
101 this law and/or mistreated, rabid or otherwise in danger or dangerous;

102 (2) issuing citations consistent with the fine and penalty schedule developed in
103 accordance with this law; and

104 (3) using force, up to and including lethal force, to stop an immediate threat to
105 public safety caused by an animal.

106 (A) Where lethal force is used, such execution shall be conducted in as
107 humane manner as possible and, to the extent feasible, avoids damage to the
108 animal's head for the purpose of rabies testing.

109 304.5-3. *Fine, Penalty, and Licensing Fee Schedule.* The Environmental, Health, Safety, and
110 Land Division and the Environmental Resource Board are hereby delegated joint authority to
111 develop a fine, penalty, and licensing fee schedule. The fine, penalty, and licensing fee schedule
112 shall be adopted by the Oneida Business Committee through resolution.

113 304.5-4. *Disease Investigation and Quarantine.* The Environmental, Health, Safety, and Land
114 Division, the Emergency Management Coordinator, and the Comprehensive Health Division are
115 hereby delegated joint authority to establish standard operating procedures related to disease
116 investigations and quarantines.

117 304.5-5. *Issuance of Licenses.* The Environmental, Health, Safety, and Land Division shall make
118 all decisions related to the issuance of a license and/or permit in accordance with this law, unless
119 otherwise noted.

120

121 **304.6. Treatment of Animals**

122 304.6-1. *Food and Water.* An owner shall provide an animal with a daily supply of food and
123 water sufficient to maintain the animal in good health.

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124 304.6-2. *Shelter*. An owner shall meet the minimum standards for indoor and outdoor shelter for
125 an animal. All shelter shall be structurally sound and maintained in good repair to protect the
126 animal from injury and to contain the animal.

127 (a) *Minimum indoor standards of shelter*. Minimum standards for indoor shelter include
128 the following:

129 (1) *Temperature*. The ambient temperature of the indoor shelter shall be
130 compatible with the health of the animal.

131 (2) *Ventilation*. Indoor shelter facilities shall be adequately ventilated by natural
132 or mechanical means to provide for the health of the animal at all times.

133 (b) *Minimum outdoor standards of shelter*. Minimum standards for outdoor shelter include
134 the following:

135 (1) *Shelter from Sunlight*. When sunlight is likely to cause heat exhaustion of an
136 animal tied or caged outside, sufficient shade by natural or artificial means shall be
137 provided to protect the animal from direct sunlight. Caged does not include farm
138 fencing used to confine livestock.

139 (2) *Climatic Conditions*. Natural or artificial shelter appropriate to the local
140 climatic conditions for the animal concerned shall be provided as necessary for the
141 health of the animal.

142 (3) *Adverse Weather*. If an animal is tied or confined unattended outdoors under
143 weather conditions which adversely affect the health of the animal, a weather
144 appropriate shelter of suitable size to accommodate the animal shall be provided.

145 (c) *Space Standards*. Enclosures shall be constructed and maintained so as to provide
146 sufficient space to allow each animal adequate freedom of movement. Inadequate space
147 may be indicated by evidence of debility, stress, or abnormal behavior patterns.

148 (1) *Dog Kennels*. Dog kennels shall meet the following space requirements where,
149 if there are multiple dogs in the same kennel, the base kennel space requirement is
150 based on the size of the largest dog and the additional kennel space requirements
151 are based on the size of each additional dog kept in the kennel:

152 (A) *Dog Size Between One and Thirty-Five Pounds*. A dog that weighs
153 between one (1) and thirty-five (35) pounds shall have a required base
154 kennel space of sixty (60) square feet. Required additional kennel space per
155 additional dog of this size is twelve (12) square feet.

156 (B) *Dog Size Between Thirty-Six and Seventy-Five Pounds*. A dog that
157 weighs between thirty-six (36) and seventy-five (75) pounds shall have a
158 required base kennel space of eighty (80) square feet. Required additional
159 kennel space per additional dog of this size is eighteen (18) square feet.

160 (C) *Dog Size Seventy-Six Pounds or Greater*. A dog that weighs seventy-
161 six (76) pounds or more shall have a required base kennel space of one
162 hundred (100) square feet. Required additional kennel space per additional
163 dog of this size is twenty-four (24) square feet.

164 (d) *Sanitation Standards*. An owner shall meet the minimum standards of sanitation for
165 both indoor and outdoor shelter. Minimum sanitation standards require waste matter from
166 the animal to be removed within twenty-four (24) hours of its deposit.

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167 (e) *Shelter Exception for Livestock*. In the case of livestock kept on farms on land zoned
168 agricultural, nothing in this section shall be construed as imposing shelter requirements or
169 standards more stringent than normally accepted husbandry practices.

170 304.6-3. *Tethering*. If a kennel or enclosed yard is not available, an owner may tether an
171 unsupervised animal as long as the owner meets the following conditions:

172 (a) the tether is connected to the animal with a buckle type collar or body harness made of
173 nylon or leather not less than one inch (1”) in width and at least two inches (2”) greater in
174 diameter than the animal’s neck or torso;

175 (1) The use of a choke collar, prong collar head harness, or other similar type of
176 head harness or collar shall be prohibited for the use of tethering.

177 (b) the tether is at least twelve feet (12’) long and allows the animal to move in all
178 directions unimpeded;

179 (c) the total weight of the tether does not exceed ten percent (10%) of the animal’s body
180 weight;

181 (d) the animal is tethered so as to prevent injury, strangulation, or entanglement, and allows
182 the animal access to water and shelter;

183 (e) the tethered animal is not sick, injured, or nursing;

184 (f) the animal is not tethered on any vacant property or land or with an unoccupied
185 dwelling; and

186 (g) the animal is not tethered in a manner that allows the animal to cross onto public space
187 or property of others.

188 304.6-4. *Mistreatment of Animals*. No person shall treat any animal in a manner which causes
189 harm, injury or death. This section does not apply to:

190 (a) normal and accepted veterinary and/or care practices; or

191 (b) teaching, research or experimentation conducted at a facility regulated under federal or
192 applicable state law.

193 304.6-5. *Mandatory Reporting*. An employee of the Nation shall report any animal mistreatment
194 witnessed during the regular course of his or her employment with the Nation to the Oneida Police
195 Department and any other appropriate entity.

196

197 **304.7. Dogs and Cats**

198 304.7-1. *License Required*. An owner shall be required to obtain a license for any dog or cat five
199 (5) months of age or older on an annual basis.

200 (a) *License Period*. The license year shall commence on January 1st and end on December
201 31st of every year.

202 (b) *License Eligibility*. To be eligible for a license, the owner shall provide:

203 (1) the licensing fee; and

204 (2) proof of current rabies vaccination.

205 (c) *Placement of License Tag*. Upon the receipt of a license the owner shall be provided a
206 license tag for the dog or cat. The owner shall securely attach the license tag to the animal’s
207 collar and shall require the animal wear the collar at all times.

208 (1) *Exception*. A dog or cat shall not be required to wear the collar if the dog or cat
209 is:

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- 210 (A) hunting or actively involved in herding or controlling livestock if the
211 animal is under control of its owner;
212 (B) within the owner's residence and/or securely confined in a fenced area;
213 and/or
214 (C) being shown during a competition.

215 304.7-2. *Rabies Vaccinations Required.* An owner shall be required to obtain a rabies
216 vaccination for any dog or cat five (5) months of age or older.

217 304.7-3. *Limit on the Number of Dogs and Cats.* An individual may keep no more than two (2)
218 dogs or three (3) cats; and a total of no more than four (4) dogs and cats combined; in a single
219 residential household.

220 (a) *Exception.* The limit on the number of dogs and cats a person may keep or possess does
221 not apply to a person who:

- 222 (1) is eligible for any grandfather provisions included in this law's adopting
223 resolution;
224 (2) keeps or possesses a litter of pups or kittens, or a portion of a litter, for a period
225 not exceeding five (5) months from birth;
226 (3) resides on property zoned agricultural; and/or
227 (4) obtains a permit for the additional dog or cat.

228 (b) *Permit for Additional Dogs or Cats.* A person may keep more than two (2) dogs or
229 three cats (3) in a single residential household if the owner obtains a permit from the
230 Environmental, Health, Safety, and Land Division for the additional animal. The
231 application for the permit must be signed by the owner and contain the signature of the
232 homeowner of the residential household if the homeowner is not the applicant.

233 (1) By seeking a permit for an additional dog or cat the owner agrees that he or she
234 shall reduce the number of licensed dogs or cats on the premises if there are two (2)
235 or more nuisance complaints against the residential household within one (1)
236 calendar year caused by, or related to, the number of dogs or cats housed on the
237 premises.

238 (2) If two (2) or more nuisance complaints are received against the residential
239 household due to the number of dogs or cats housed on the premises, the owner
240 shall reduce the number of animals within thirty (30) days.

241 304.7-4. *Running at Large.* An owner shall not allow a dog or cat to run at large by being any
242 place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a leash
243 under the control of a person physically able to control the animal.

244 (a) A stray dog or cat running at large may be referred to the Oneida Police Department or
245 Oneida Conservation Department.

246 (b) When an Oneida Police Officer or Oneida Conservation Warden finds a dog or cat
247 running at large, the officer and/or warden shall, if possible, pick up and impound such
248 animal.

249 (c) Whenever any impounded animal bears an identification mark, such as a collar with
250 identification tags or license tag, the owner shall be notified as soon as reasonably possible.

251 304.7-5. *Nuisance.* An Oneida Police Officer or Oneida Conservation Warden may pick up and
252 impound a dog or cat that has been found to be a nuisance. A dog or cat shall be found to be a

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253 nuisance if the actions of the dog or cat:

- 254 (a) resulted in two (2) or more verified disturbances due to excessive barking and/or other
255 noise by the animal, or the animal running at large; and/or
256 (b) resulted in one (1) or more verified disturbance due to threatening behavior by the
257 animal running at large.

258 304.7-6. *Investigations for Suspected Animal Bites.* The owner shall notify the Oneida Police
259 Department in the event the owner's cat or dog bites a human or another domestic animal.

- 260 (a) The responding Oneida Police Officer or Oneida Conservation Warden shall:
- 261 (1) Ascertain whether the domestic animal is properly licensed and has current
262 vaccinations.
- 263 (2) Ensure all information provided is correct.
- 264 (3) Contact the Environmental, Health, Safety, and Land Division to provide
265 notification of the domestic animal bite.
- 266 (4) If the cat or dog has current rabies vaccinations, order the owner to:
- 267 (A) Quarantine the animal for ten (10) days; and
268 (B) Present the animal for examination by a veterinarian within twenty-
269 four (24) hours of the bite, on the last day of quarantine and on one (1) day
270 in between the first twenty-four (24) hours and the tenth (10th) day.
- 271 (5) If the cat or dog does not have current rabies vaccination, order the owner to:
- 272 (A) Quarantine the animal for ten (10) days or deliver the animal to an
273 isolation facility at the owner's expense. If a home quarantine is ordered,
274 the owner shall present the domestic animal for examination by a
275 veterinarian within twenty-four (24) hours of the bite, on the last day of
276 quarantine and on one (1) day in between the first twenty-four (24) hours
277 and the tenth (10th) day; or
278 (B) Euthanize the animal and send the specimen for analysis at the owner's
279 expense, if the animal has exhibited any signs of rabies.

280 (b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine
281 period. Upon expiration of all quarantine periods, if the veterinarian certifies that the
282 animal has not exhibited any signs of rabies, the animal may be released from quarantine.

283 (c) If the veterinarian certifies that the animal has exhibited any signs of rabies the
284 following shall occur:

- 285 (1) If the animal has current rabies vaccinations, the Oneida Police Officer or
286 Oneida Conservation Warden may order the animal to be euthanized and send the
287 specimen for analysis, to be paid for by the Nation.
- 288 (2) If the animal does not have current rabies vaccinations, the Oneida Police
289 Officer or Oneida Conservation Warden may order the animal to be euthanized and
290 send the specimen for analysis at the owner's expense.

291 304.7-7. *District Quarantine.* A district quarantine may be initiated by staff designated by the
292 Environmental, Health, Safety, and Land Division, an Oneida Police Officer, an Oneida
293 Conservation Warden, and/or a Public Health Officer.

294 (a) If an area is subject to a district quarantine for rabies, all dogs and cats within the district
295 shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined,

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296 tied, leashed or muzzled is a public nuisance and may be impounded. All Oneida Police
297 Officers and Oneida Conservation Wardens shall cooperate in the enforcement of the
298 quarantine.

299 (b) An animal that is immunized against rabies as evidenced by a valid certificate of rabies
300 vaccination or other evidence is exempt from the district quarantine provisions of this
301 section.

302

303 **304.8. Livestock**

304 304.8-1. An owner shall obtain a conditional use permit from the Oneida Land Commission in
305 order to keep livestock on land zoned residential.

306 304.8-2. *Limitations on Livestock.* Livestock kept on land zoned residential are subject to the
307 following limitations:

308 (a) One (1) large animal per one (1) acre. Examples of large animals include, but are not
309 limited to, horses, cows, and pigs.

310 (b) One (1) small animal per one-half (½) acre. Examples of small animals include, but
311 are not limited to, goats, and sheep.

312 (c) One (1) goat or sheep per recorded lot under one-half (½) acre when setback
313 requirements can be met.

314 304.8-3. *Liability for Damage Caused by Livestock at Large.* Any person whose livestock
315 escapes from its normal confined area and becomes at large is responsible for any and all damage
316 to persons and property caused by such livestock while it is away from its normal confined area.

317

318 **304.9. Hens**

319 304.9-1. *Hen Permit.* An owner shall obtain a conditional use permit from the Oneida Land
320 Commission in order to keep hens on land zoned residential.

321 304.9-2. *Prohibition of Roosters.* An owner shall not keep a rooster on land zoned residential.

322 304.9-3. *Limit on the Number of Hens Allowed.* The number of hens an owner may keep is
323 dependent on the size of the residential lot.

324 (a) An owner may to keep up to six (6) hens on a residential lot that is smaller than two
325 (2) acres in size.

326 (b) An owner may keep up to twelve (12) hens on a residential lot two (2) acres in size or
327 larger.

328 304.9-4. *Standards for Keeping Hens.* An owner shall keep hens in the following manner:

329 (a) No person shall keep a hen over eight (8) weeks of age in a principal structure.

330 (b) Hens shall be kept within a structure such as a coop or fenced area used exclusively to
331 keep hens and shall provide at least four (4) square feet of space per hen.

332 (c) No accessory structure used to keep hens shall be located within twenty-five feet (25')
333 of any principal structure which is not owned by the person permitted to keep the hens.

334 (d) No accessory structure used to keep hens shall be located in a front or side yard.

335 (e) All hens shall be kept and handled in a sanitary manner to prevent the spread of
336 communicable diseases amongst birds or to humans.

337 304.9-5. *Prohibition of Nuisance Hens.* No owner may keep hens that cause any other nuisance
338 associated with unhealthy conditions, create a public health threat, or otherwise interfere with the

339 normal use of property or enjoyment of life by humans or animals.

340

341 **304.10. Prohibited Animals**

342 304.10-1. No person shall bring into, keep, harbor, maintain, offer for sale or barter, act as a
343 custodian, have custody or control of, or release to the wild on the Reservation a prohibited animal.

344 304.10-2. *Prohibited Animals*. The Oneida Business Committee shall provide through the
345 adoption of a resolution which orders and families of animals, whether bred in the wild or in
346 captivity, and any or all hybrids are prohibited from being on the Reservation.

347 304.10-3. *Prohibited Animals Exception*. The prohibition of certain animals shall not apply to:

348 (a) Individuals who are eligible for any grandfather provisions included in this law's
349 adopting resolution.

350 (b) A zoological park and/or sanctuary, an educational or medical institution, and/or a
351 specially trained entertainment organization who receives a permit from the
352 Environmental, Health, Safety, and Land Division to own, harbor or possess the prohibited
353 animal.

354 304.10-4. *Prohibited Animal Permit*. The Environmental, Health, Safety, and Land Division may
355 issue a prohibited animal permit if:

356 (a) the animal and animal quarters are kept in a clean and sanitary condition and
357 maintained to eliminate objectionable odors; and

358 (b) the animal is maintained in quarters so constructed as to prevent its escape.

359 304.10-5. *Release of Prohibited Animals*. The Environmental, Health, Safety, and Land Division,
360 may approve a wildlife refuge and/or sanctuary to release prohibited animals within the
361 Reservation without applying for and receiving a prohibited animal permit.

362 304.10-6. *Seizure of Prohibited Animals*. An unpermitted prohibited animal may be seized by the
363 Oneida Police Department and/or the Oneida Conservation Department.

364 (a) A prohibited animal that is seized shall be held by the Oneida Police Department, the
365 Oneida Conservation Department, or its designee until it can be determined if the animal
366 is an endangered or threatened species.

367 (b) At any time after such identification, the Oneida Police Department and/or Oneida
368 Conservation Department may seek an order from the Trial Court as to the care, custody
369 and control of the animal.

370 (c) If the Trial Court finds the animal has been taken, employed, used or possessed in
371 violation of this section, the owner shall be responsible for reimbursing the Oneida Police
372 Department and/or the Oneida Conservation Department for the cost of holding the animal
373 and any costs incurred in identifying the animal.

374 304.10-7. *Notice of Release or Escape*. The owner of a prohibited animal that has been released
375 or escapes shall immediately notify the Oneida Police Department and/or the Oneida Conservation
376 Department and shall be liable for any cost of recapture of the animal.

377 304.10-8. *Forfeiture of the Prohibited Animal*. An owner found in violation of this section shall
378 forfeit or surrender the prohibited animal to the Oneida Police Department, Oneida Conservation
379 Department, or designee. Upon such forfeiture or surrender, the Trial Court may direct destruction
380 or transfer of the animal to a qualified zoological, educational, or scientific institution or qualified
381 private propagator for safekeeping, with costs assessed against the owner.

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304.11. Dangerous Animals

304.11-1. *Dangerous Animals*. No person shall own, keep, possess, return to or harbor a dangerous animal. An animal shall be presumed to be dangerous if the animal:

- (a) approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack;
- (b) bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or domestic animal;
- (c) is suspected to be owned, trained or harbored for the purpose of dog fighting; and/or
- (d) has been declared to be a dangerous animal and/or ordered to be destroyed in any other jurisdiction.

304.11-2. *Dangerous Animal Determination*. An Oneida Police Officer or Oneida Conservation Warden may determine an animal to be dangerous whenever, upon investigation, the officer finds that the animal meets the definition of dangerous animal provided in section 304.11-1.

- (a) Upon making a determination that an animal is dangerous, the Oneida Police Officer or Oneida Conservation Warden shall issue a written order with an accompanying citation declaring the animal to be dangerous.
- (b) The citation and order shall be personally delivered to the apparent owner or custodian of the dangerous animal.
- (c) Upon receipt of the written order and accompanying citation the owner shall remove the dangerous animal from the Reservation within three (3) business days.

304.11-3. *Contesting a Dangerous Animal Determination*. If the owner wishes to contest the dangerous animal determination, he or she shall file with the Trial Court a written objection to the order within three (3) business days of receipt of the order.

- (a) The written objection shall include specific reasons for objecting to or contesting the order. An owner may argue an animal should not be deemed dangerous due to the animal biting, attacking or menacing any person and/or domestic animal because the animal was acting to:
 - (1) defend its owner or another person from an attack by a person or animal;
 - (2) protect its young or another animal;
 - (3) defend itself against any person or animal which has tormented, assaulted or abused it; and/or
 - (4) defend its owner's property against trespassers.
- (b) Pending the outcome of the hearing, the animal shall be securely confined in a humane manner either on the premises of the owner or caretaker, or with a licensed veterinarian. If confined on the premises of the owner or caretaker, the following requirements shall apply:
 - (1) *Leash and Muzzle*. No owner shall permit a dangerous animal to go outside its kennel or pen unless the animal is securely restrained with a leash no longer than four feet (4') in length by a person who is at least sixteen (16) years of age who is in physical control of the leash, competent to govern the animal and capable of physically controlling and restraining the animal. The owner shall not leash an animal to inanimate objects such as a tree, post, or building. When the animal is on a leash outside the animal's kennel, the owner shall muzzle the animal in a humane

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425 way by a commercially available muzzling device sufficient to prevent the animal
426 from biting a person or other animal.

427 (2) *Confinement.* Except when leashed and muzzled the owner shall ensure the
428 dangerous animal is securely confined indoors or in a securely enclosed and locked
429 pen or kennel that is located on the premises of the owner and constructed in a
430 manner that does not allow the animal to exit the pen or kennel on its own volition.
431 The owner shall not permit an animal to be kept on a porch, patio, or in any part of
432 a house or structure on the premises of the owner that would allow the animal to
433 exit the building on its own volition. The owner shall not permit the animal to be
434 kept in a house or structure when the windows are open or when screen windows
435 or screen doors are the only obstacle preventing the animal from exiting the
436 structure.

437 (3) *Signs.* The owner of a dangerous animal shall display, in prominent places on
438 his or her premises near all entrances to the premises, signs in letters of not less
439 than two inches (2") high warning that there is a dangerous animal on the property.
440 A similar sign shall be posted on the kennel or pen of the animal. In addition, the
441 owner shall conspicuously display a sign with a symbol warning children of the
442 presence of a dangerous animal.

443 (4) *Notification.* The owner of a dangerous animal shall notify the Oneida Police
444 Department and/or the Oneida Conservation Department immediately if the animal
445 is at large, is unconfined, has attacked another animal, or has attacked a person.

446 (c) If an owner or caretaker fails to follow the requirements for harboring a dangerous
447 animal pending a hearing, the animal may be impounded by the Oneida Police Officer or
448 Oneida Conservation Warden issuing the dangerous animal determination.

449 304.11-4. *Dangerous Animal Determination Hearing.* A hearing on the dangerous animal
450 determination shall be held within fourteen (14) days of submission of the written objection with
451 the Trial Court. At the hearing, the Trial Court shall determine whether the determination that the
452 animal is dangerous should be substantiated.

453 (a) If the Trial Court concludes that the determination that the animal is dangerous is
454 substantiated, then the Trial Court shall issue an order that mandates the animal be removed
455 from the Reservation within forty-eight (48) hours of the determination.

456 (1) The order shall contain the requirement that the owner notify the Oneida Police
457 Department within twenty-four (24) hours if the dangerous animal has been sold or
458 been given away. If the dangerous animal has been sold or given away, the owner
459 shall also provide the name, address and telephone number of the new owner of the
460 dangerous animal. If the dangerous animal is sold or given away to a person
461 residing outside the Reservation or to a person or entity that falls outside of the
462 jurisdiction of this law, the owner shall present evidence to the Oneida Police
463 Department showing that he or she has notified the police department or other law
464 enforcement agency of the animal's new residence, including the name, address and
465 telephone number of the new owner. The Oneida Police Department shall forward
466 all such notifications to the Environmental, Health, Safety, and Land Division
467 within a reasonable amount of time.

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468 (b) The Trial Court may order a dangerous animal to be destroyed. If such an order is
469 issued, the Trial Court shall require the owner submit proof of destruction within five (5)
470 business days from a licensed veterinarian. If the owner does not satisfy these
471 requirements, an Oneida Police Officer and/or an Oneida Conservation Warden shall seize
472 the animal and enforce compliance at the cost of the owner.

473 (c) The Trial Court may mandate attendance at an additional Trial Court hearing if
474 restitution is appropriate.

475 304.11-5. *Appeal of the Trial Court's Decision.* An appeal of the Trial Court's decision on the
476 dangerous animal determination may be appealed to the Nation's Court of Appeals.

477 (a) An appeal shall be submitted to the Court of Appeals within five (5) business days
478 from the date of the Trial Court's decision.

479 (b) Upon an appeal to the Court of Appeals, the order to remove the animal from the
480 Reservation or any order to destroy an animal is stayed pending the outcome of the appeal.

481 604.11-6. *Dangerous Animal Exception.* The Trial Court may provide an exception to the
482 dangerous animal provisions of this law for a law enforcement or military animal upon
483 presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the
484 animal.

485

486 **304.12. Owner Liability**

487 304.12-1. An owner shall be liable for damages caused by his or her domestic animal.

488 (a) *First Offense.* The owner is liable for the full amount of damages caused by the
489 domestic animal.

490 (b) *Subsequent Offenses.* The owner shall be liable for two (2) times the full amount of
491 damages caused by the domestic animal if the owner knew or should have known that the
492 domestic animal previously caused damages.

493

494 **304.13. Enforcement of Violations**

495 304.13-1. *Citations.* Citations for the violation of this law and/or orders issued pursuant to this
496 law may include fines, penalties and conditional orders in accordance with the fine, penalty, and
497 licensing fee schedule.

498 304.13-2. *Citation Pre-Hearing.* All citations shall include a pre-hearing date with the Trial Court
499 which shall be set for the next scheduled monthly pre-hearing date that is at least thirty (30) days
500 after the citation was issued. The act of contesting a dangerous animal determination shall follow
501 the process contained in section 304.11.

502 (a) Persons wishing to contest a citation shall appear at the prehearing, at which time the
503 Trial Court shall accept pleas which either contest or admit committing the act for which
504 the citation was issued.

505 (b) In addition to scheduling requested hearings, the Trial Court may also make conditional
506 orders at the pre-hearing which are effective until the matter is resolved.

507 304.13-3. *Citation Hearing.* The Trial Court shall schedule a hearing as expeditiously as possible,
508 provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all
509 persons entering a plea contesting the fact that they committed the act for which a citation was
510 issued.

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511 304.13-4. *Appeals of the Trial Court's Determinations.* Any person wishing to contest the
512 determination of the Trial Court may appeal to the Nation's Court of Appeals in accordance with
513 the Rules of Appellate Procedure.

514 304.13-5. *Fines.* All fines shall be paid to the Judiciary. Cash shall not be accepted for payment
515 of fines. Money received from fines shall be contributed to the General Fund.

516 (a) Fines shall be paid within ninety (90) days after the order is issued or upheld on final
517 appeal, whichever is later. If the fine is not paid by this deadline, the Trial Court may seek
518 to collect the money owed through the Nation's garnishment and/or per capita attachment
519 process.

520 (1) The ninety (90) day deadline for payment of fines may be extended if an
521 alternative payment plan is approved by the Trial Court.

522 (b) Community service may be substituted for part or all of any fine at the minimum wage
523 rate of the Nation for each hour of community service.

524

525 *End.*

526

527 Adopted - BC-03-13-96-B

528 Amended – BC-06-22-11-G

529 Amended – BC-06-28-17-B

530 Amended – BC-__-__-__-__

531



AMENDMENTS TO DOMESTIC ANIMALS LAW FISCAL IMPACT SUMMARY

The Legislative Procedures Act requires a fiscal impact statement for all legislation except emergency legislation. A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating Committee and may be prepared by any agency who may receive funding if the legislation is enacted; who may administer a program if the legislation is enacted; who may have financial information concerning the subject matter of the legislation; or by the Finance Office, upon request of the Legislative Operating Committee [O.C. 109.6-1(a) and (b)].

SECTION 1. EXECUTIVE SUMMARY

| REQUESTER: Environmental Health, Safety and Land Division | SPONSOR: Jennifer Webster | DRAFTER: Clorissa N. Santiago | LEGISLATIVE ANALYST: Brandon Wisneski |
|---|--|----------------------------------|--|
| Intent of the Fiscal Impact Summary | Each entity or agency impacted by these amendments was asked to submit a fiscal impact statement that would identify and isolate additional costs that may be incurred as a result of the adoption of the proposed amendments to the Domestic Animals law. The fiscal impact summary is designed to summarize all the fiscal impact statements that the Legislative Operating Committee received. See Attachment A for the fiscal impact statements that were received by the Legislative Operating Committee (LOC). | | |
| Consultation and Outreach | The LOC has been working with several entities throughout the development of these amendments. On March 20, 2019, the LOC directed the following entities to submit a fiscal impact statement by April 18, 2019; Environmental, Health, Safety, and Land Division (EHSLD), Oneida Police Department (OPD), Oneida Judiciary, Oneida Land Commission, and the Environmental Resource Board (ERB). | | |
| Summary of Fiscal Impacts | <ol style="list-style-type: none"> 1. The effected entities report that there are no expected fiscal impacts for start up costs, personnel costs, office costs, or documentation costs. 2. In comparing 2016-2018 data to the proposed amendments, the revenue from pet licenses and animal permits may increase modestly due to an increase in license fees. 3. It is unknown how the total revenue from citations will be impacted for three reasons; 1) some citation amounts have increased and some have decreased, 2) some citation types were removed altogether and some new types were added, and 3) the number of citations that will be issued in the future is unknown. | | |

SECTION 2. CONSULTATION AND OUTREACH

The following departments or entities were directed to submit a fiscal impact statement; Oneida Environmental, Health, Safety, and Land Division (EHSLD), Oneida Environmental Resource Board, Oneida Police Department, Oneida Judiciary, and the Oneida Land Commission.

SECTION 3. FISCAL IMPACTS TO AFFECTED ENTITIES

- A. The reporting entities indicate that that they do not expect additional costs or any other fiscal affects as a result of the amendments.

Table 1. Estimated Additional Costs of the Amendments as Reported by the Effected Entities

| Effected Entity | Start Up Costs | Personnel | Office Costs | Documentation Costs | Other | Sub-Totals |
|--|----------------|-----------|--------------|---------------------|-------|------------|
| Environmental, Health, Safety, and Land Division | -0- | -0- | -0- | -0- | -0- | -0- |
| Oneida Police Department | -0- | -0- | -0- | -0- | -0- | -0- |
| Environmental Resources Board | -0- | -0- | -0- | -0- | -0- | -0- |
| Oneida Judiciary | -0- | -0- | -0- | -0- | -0- | -0- |
| Oneida Land Commission | -0- | -0- | -0- | -0- | -0- | -0- |
| <i>Total Estimated Fiscal Effects</i> | | | | | | -0- |

- B. Licenses and Permits: The amendments include changes to animal license fees, which are issued by EHSLD. The intent if the proposed license fee increase is to encourage pet owners to spay or neuter their pets. This may impact the ratio/number of altered and unaltered licenses sold.

Table 2. Total Revenue for Domestic Animal Licenses 2016-2018 ¹

| Year | License Type | Current License Fee | Actual # Licenses Issued | Totals |
|---|----------------|----------------------------|---------------------------|-----------------------|
| 2016 | Cat- altered | 5.00 | 21 | 105.00 |
| | Cat- unaltered | 10.00 | 0 | 0 |
| | Dog-altered | 5.00 | 83 | 415.00 |
| | Dog-unaltered | 10.00 | 37 | 370.0 |
| | | | 2016 Total Revenue | \$890.00 |
| 2017 | Cat- altered | 5.00 | 25 | 125.00 |
| | Cat- unaltered | 10.00 | 0 | 0 |
| | Dog-altered | 5.00 | 59 | 295.00 |
| | Dog-unaltered | 10.00 | 29 | 290.00 |
| | | | 2017 Total Revenue | \$710.00 |
| 2018 | Cat- altered | 5.00 | 14 | 70.00 |
| | Cat- unaltered | 10.00 | 0 | 0 |
| | Dog-altered | 5.00 | 52 | 260.00 |
| | Dog-unaltered | 10.00 | 32 | 320.00 |
| | | | 2018 Total Revenue | \$650.00 |
| <i>Average Total Revenue 2016-2018=</i> | | | | <i>\$750.00/ year</i> |

¹ Source: Environmental, Health, Safety, and Land Division via email. March 8, 2019.

The average revenue from licensing for 2016-2018 was \$750.00/year. Using the average number of licenses sold from 2016-2018, the revenue under the proposed amendments would be \$1,245.00. This is an increase of \$495.00. Revenue for domestic animal licenses is put into the Nation’s General Fund.

Table 3. Potential Revenue Using the Average Annual Number of Licenses Sold from 2016-2018 and the Proposed License Fees.

| Domestic Animal License Type | Proposed License Fee | Average # Licenses Issued 2016-2018 | Totals |
|--------------------------------|----------------------|-------------------------------------|-------------------|
| Cat- unaltered | 25.00 | 0 | 0 |
| Cat- altered | 5.00 | 20 | 100.00 |
| Dog-altered | 5.00 | 64 | 320.00 |
| Dog-unaltered | 25.00 | 33 | 825.00 |
| Total Potential Revenue | | | \$1,245.00 |

The amendments include three new license types 1) Additional Dog/Cat Permit- \$5 for altered animals and \$25 for unaltered animals, 2) Prohibited Animal Permit- \$50-\$500, and 3) Hens were added to Conditional Use Permits for Livestock, which are issued by the Oneida Land Commission.

Fines and Penalties: There are several proposed changes to the fines and penalties schedule. The potential revenue of the proposed fines cannot be predicted because while some fine fees are increasing, others are decreasing. The Oneida Police Department issued a total of 47 domestic animal citations between 2016 and 2018. The average annual revenue was \$4,583.00/year². Table 3. compares existing fine fees to the proposed fine fees. Below is a list of the most common domestic animal citations that the Oneida Police Department issues;

1. Failure to obtain rabies vaccine- dogs
2. Refusal to comply with quarantine/disposal of dog
3. Nuisance dog
4. Vicious Dog
5. Dog running at large

Table 4. Current Fines and Penalties Schedule vs. Proposed Fines and Penalties Schedule

| Violation | 1st Offense Current/Proposed | 2nd Offense Current/Proposed | 3rd Offense and up Current/Proposed |
|-------------------------------------|------------------------------|------------------------------|-------------------------------------|
| DOG/CAT REQUIREMENTS | | | |
| No required license | \$25/\$25 | \$50/\$50 | \$100/\$100 |
| Improperly/no attached license | \$25/\$25 | \$50/\$50 | \$100/\$100 |
| No current rabies vaccine | \$150/\$75 | \$500/\$150 | \$750/\$500 |
| Failure to obey district quarantine | \$500/\$150 | \$750/\$500 | \$1,000/\$750 |
| Animal running at large | \$150/\$75 | \$500/\$150 | \$750/\$500 |

² Source: Oneida Nation Police Department via email. March 11, 2019.

| | | | |
|--|-------------------|-------------------|--------------------|
| Nuisance animal | \$150/\$75 | \$500/\$150 | \$750/\$500 |
| Exceeding limit of allowed animals (per animal) | \$25 ea./ \$25ea. | \$50 ea./\$50 ea. | \$100 ea./\$100ea. |
| Failure to notify an animal bite | NA/\$150 | NA/\$500 | NA/\$750 |
| Failure to comply with ordered quarantine | NA/\$150 | NA/\$500 | NA/\$750 |
| TREATMENT OF ANIMALS | | | |
| Failure to provide food/water | \$500/\$75 | \$750/\$150 | \$1,000/\$500 |
| Failure to comply with shelter standards | \$150 /\$75 | \$500/\$150 | \$750/\$500 |
| Failure to meet enclosure space standards | \$150/\$75 | \$500/\$150 | \$750/\$500 |
| Failure to comply with sanitation standards | \$150/\$75 | \$500/\$150 | \$750/\$500 |
| Failure to comply with tethering standards | NA/\$75 | NA/\$150 | NA/\$500 |
| Mistreatment of animals | \$500/\$500 | \$750 /\$1000 | \$1,000/\$2000 |
| PROHIBITED ANIMALS | | | |
| Keep/Release prohibited or exotic animal or possessing a prohibited animal | \$500/\$250 | \$750/\$500 | \$1,000/\$1,000 |
| Possessing prohibited or exotic animal without required permit or failure to obtain prohibited animal permit | \$150/\$250 | \$500/\$500 | \$750/\$1,000 |
| Failure to provide notice of release/escape | \$500/\$250 | \$750/\$500 | \$1,000/ \$1,000 |
| LIVESTOCK | | | |
| Keeping livestock with no conditional use permit | \$100/\$75 | \$200/\$150 | \$300/\$500 |
| Violate livestock lot requirements | \$150/\$75 | \$500/\$150 | \$750/\$500 |
| Livestock at large | \$150/\$150 | \$500/\$500 | \$750/\$750 |
| Keeping hens without required permit | \$100/\$75 | \$200/\$150 | \$300/\$500 |
| Prohibited keeping of rooster(s) | \$100/\$75 | \$200/\$150 | \$300/\$500 |
| Exceeding limit of allowed hens | NA/\$75 | NA/\$150 | NA/\$500 |
| Keeping hen(s) in prohibited manner | \$100/\$75 | \$200/\$150 | \$300/\$500 |
| Nuisance hen(s) | \$100/\$75 | \$200/\$150 | \$300/\$500 |
| DANGEROUS ANIMALS | | | |
| Harboring a Dangerous Animal | \$500/\$500 | \$1,000/\$1,000 | \$2,000/\$2,000 |
| Failure to remove animal from Reservation | NA/\$500 | NA/\$1,000 | NA/\$2,000 |
| Failure to follow leash/muzzle requirements for dangerous animal | NA/\$500 | NA/\$1,000 | NA/\$2,000 |
| Failure to follow confinement requirements for dangerous animal | NA/\$500 | NA/\$1,000 | NA/\$2,000 |
| Failure to post required dangerous animal sign(s) | \$100/\$500 | \$200/\$1000 | \$300/\$2000 |
| Failure to spay/neuter required animal | \$150/NA | \$500/NA | \$750/NA |
| Failure to provide/ provide proof of required liability insurance | \$150/NA | \$500/NA | \$750/NA |
| Failure to notify of insurance policy cancelation | \$150/NA | \$500/NA | \$750/NA |
| Failure to microchip required animal | \$150/NA | \$500/NA | \$750/NA |

| | | | |
|--|-------------|--------------|---------------|
| Failure to comply with ongoing notification requirements | \$150/\$500 | \$500/\$1000 | \$750/\$2000 |
| Bringing/Keeping a vicious animal | \$750/NA | \$1,500/NA | \$2,500/NA |
| Failure to provide required proof of destruction | \$150/\$150 | \$500/\$300 | \$750/\$500 |
| Failure to notify police of animal bite | \$150/\$150 | \$500/\$500 | \$750/\$750 |
| Failure to quarantine | \$500/\$150 | \$750/\$500 | \$1,000/\$750 |
| LIABILITY FOR DAMAGE(S) | | | |
| Damage caused by animal | \$100/NA | \$200/NA | \$300/NA |



Oneida Police Department

P.O. Box 365, Oneida, WI 54155

Eric H. Boulanger
Chief of Police



Fiscal Impact Statement Chapter 304 Domestic Animals Law Amendments

The proposed rule incorporates an increase in fines and penalties.

The trend for the last three years indicates a decrease in the total cost of citations issued from 2016 – 2018. The following is a summary of the citation totals from 2016 – 2018:

| Yearly Totals | |
|---------------|----------|
| 2016 | \$5,950 |
| 2017 | \$4,425 |
| 2018 | \$3,375 |
| Total | \$13,750 |

Attached is a breakdown of the citations by year, citation type, issue date and amount.

The impact of the proposed changes in fines and penalties to the Police Department is indeterminate. Factors that may have an effect:

- The number of citations issued to an individual
- Changes in fines/penalties
- Adjustments to the fines made by Oneida Judicial

The Police Department has been performing their duties as outlined in the law and will continue to do so. The cost associated with performing those duties is absorbed by the department.

Financial Analysis for OPD

| Type of Cost | Description/Comment | Dollar Amount |
|--|---|----------------------|
| Start Up Costs | No increase to operations. | \$0.00 |
| Personnel | No increase to operations. | \$0.00 |
| Office | No increase to operations. | \$0.00 |
| Documentation Costs | No increase to operations. | \$0.00 |
| Estimate of time necessary for an individual or agency to comply with the law after implementation | There is no perceived time increase for implementation. | N/A |
| Other, please explain | No increase to operations. | \$0.00 |
| Total | Annual Net Revenue | \$0.00 |

Financial Analysis for EHS&LD

| Type of Cost | Description/Comment | Dollar Amount |
|--|---|----------------------|
| Start Up Costs | No increase to operations. | \$0.00 |
| Personnel | No increase to operations. | \$0.00 |
| Office | No increase to operations. | \$0.00 |
| Documentation Costs | No increase to operations. | \$0.00 |
| Estimate of time necessary for an individual or agency to comply with the law after implementation | There is no perceived time increase for implementation. | N/A |
| Other, please explain | No increase to operations. | \$0.00 |
| Total | Annual Net Revenue | \$0.00 |

Financial Analysis for ERB

| Type of Cost | Description/Comment | Dollar Amount |
|--|---|----------------------|
| Start Up Costs | No increase to operations. | \$0.00 |
| Personnel | No increase to operations. | \$0.00 |
| Office | No increase to operations. | \$0.00 |
| Documentation Costs | No increase to operations. | \$0.00 |
| Estimate of time necessary for an individual or agency to comply with the law after implementation | There is no perceived time increase for implementation. | N/A |
| Other, please explain | No increase to operations. | \$0.00 |
| Total | Annual Net Revenue | \$0.00 |

ONEIDA JUDICIARY

Tsi nu téshakotiya?tolétha?
MEMORANDUM

TO: LEGISLATIVE OPERATING COMMITTEE
DAVID JORDAN, LOC CHAIRMAN
KIRBY METOXEN, LOC VICE-CHAIR
JENNIFER WEBSTER, LOC MEMBER
DANIEL GUZMAN, LOC MEMBER
ERNEST STEVENS, III, LOC MEMBER

FROM: RAEANN SKENANDORE, COURT ADMINISTRATOR

DATE: March 19, 2019

SUBJ: FISCAL IMPACT OF THE AMENDMENTS TO THE DOMESTIC ANIMALS LAW

On March 12, 2019, Clorissa N. Santiago requested a memorandum from the Oneida Judiciary addressing the fiscal impact of the amendments to the Domestic Animals law.

While the court does not anticipate any fiscal impacts to the court by the amendments as proposed, there are clarifications that are requested to the section identified below:

“304.13-5. Fines. All fines shall be paid to the Trial Court. Cash shall not be accepted for payment of fines. Money received from fines shall be contributed to the General Fund.”

Request #1 to change the words *Trial Court* to *Oneida Judiciary*.

Request #2 to eliminate the second sentence. The Oneida Judiciary does accept and account for cash receivables. Legislating a method of payment is not consistent with the establishment of the Court's Fee Schedule which identifies cash as an acceptable form of payment. See attached Fee Schedule.

If you have any questions, please feel free to contact me. Thank you.

Attachment (1)

CC: Denice E. Beans, Chief Judge – Trial Court
Layatalati Hill, Judge – Trial Court
John E. Powless, III, Judge – Trial Court
Gerald L. Hill, Chief Judge – Court of Appeals
Kristina Danforth, Clerk of Court – Trial Court
Clorissa N. Santiago, Legislative Staff Attorney
Brandon M. Wisneski, Legislative Analyst
Jennifer A. Falck, Director-Legislative Reference Office

ONEIDA JUDICIARY

FILING AND OTHER FEES

EFFECTIVE July 6, 2018

| TRIAL COURT | FEE |
|---|------------------|
| GENERAL CIVIL CASE | \$50.00 |
| SMALL CLAIMS (\$5000 OR LESS) | \$50.00 |
| GARNISHMENT | \$25.00 |
| -Administrative Fee: | \$1.00 |
| CITATIONS | \$25.00 |
| EMPLOYEE CASES | \$25.00 |
| STIPULATIONS | No Fee |
| TEMPORARY RESTRAINING ORDER(TRO) & INJUNCTION | \$50.00 |
| TRO SECURITY DEPOSIT | TBD CASE BY CASE |

| FAMILY COURT | FEE |
|--------------------------------------|----------------------|
| DIVORCE /LEGAL SEPARATION /ANNULMENT | \$100.00 |
| OTHER MOTIONS & PETITIONS | \$25.00 |
| STIPULATIONS | No Fee |
| GUARDIAN AD LITEM | \$400 MAX PER PARENT |

| COURT OF APPEALS | FEE |
|--------------------------|------------------|
| GENERAL APPELLATE FILING | \$75.00 |
| DEPOSIT/BOND | TBD CASE BY CASE |

| OTHER: | FEE |
|---|-----------------------------|
| Court Record(s) | \$1.00 PER PAGE |
| CERTIFIED TRANSCRIPT PREPARATION* | \$2.00 PER PAGE, |
| * DEPOSIT REQUESTED BASED ON ESTIMATION | PLUS FEE of \$1.00 PER PAGE |
| NOTARIZE DOCUMENT | NO CHARGE |

| ADMISSION TO PRACTICE | FEE |
|-----------------------|----------|
| ATTORNEY | \$100.00 |
| LAY ADVOCATE | \$50.00 |

PLEASE NOTE: ANY REQUESTS FOR FEE WAIVERS REQUIRE

- (1) Fee Waiver Form
- (2) Proof of economic hardship

All Fees are nonrefundable.

PAYMENT OPTIONS: CASH, MONEY ORDERS, CASHIER'S CHECK, ONEIDA GIFT CARDS,
PERSONAL CHECKS, DEBIT & CREDIT CARDS



DRAFT**Oneida Land Commission**

Regular Meeting
5:00 p.m. Monday, April 22, 2019
Little Bear Conference Room #1

Minutes – DRAFT**REGULAR MEETING**

Present: Chairwoman Rae Skenandore, Vice-Chairwoman Rebecca Webster, Secretary Michael Mousseau, Commissioners: Julie Barton, Donald McLester, Sherrole Benton;

Not Present: ;

Arrived at: ;

Others present: Maryjo Nash, Patrick Pelky, Stephanie Skenandore, Louis Cottrell, Josh Swanson, Kim Nishimoto, Linn Cornelius, Lee Cornelius, Trish King

I. CALL TO ORDER AND ROLL CALL by Chairwoman Rae Skenandore at 5:05 pm.

II. ADOPT THE AGENDA

Motion by Rebecca Webster to approve the agenda with addition of VI.A. Rule Making seconded by Sherrole Benton. Motion carried unanimously:

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

III. TASK LIST**IV. READING OF MINUTES****A. Approve 2019 04 08 regular meeting minutes**

Motion by Michael Mousseau to approve the April 08, 2019, regular meeting minutes, seconded by Donald McLester. Motion carried unanimously:

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

V. TABLED BUSINESS**VI. OLD BUSINESS****VII. NEW BUSINESS****A. Naming Cultural Heritage Park**

DRAFT

Motion by Rebecca Webster to name the Cultural Heritage Park property Amelia Cornelius Culture Park and resolution 04-22-19-A, seconded by Michael Mousseau. Motion carried:

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester,
 Abstained: Julie Barton

For the record Julie Barton abstained because this is the first time she has done this process.

B. W140 Service Rd. LUTU I

Motion by Rebecca Webster to approve the part I report for parcel 170223200 W140 Service Rd; seconded by Sherrole Benton. Motion carried unanimously:

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

C. Fiscal Statement – Domestic Animals Law

Motion by Michael Mousseau to note that the Domestic Animals Law has no Fiscal Impact to the Land Commission, seconded by Julie Barton. Motion carried unanimously:

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

Motion by Donald McLester to go into executive session at 5:26 pm; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

Motion by Donald McLester to come out of executive session at 6:05 pm; seconded by Sherrole Benton. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

VIII. REPORTS – NONE

- A. PLANNING – NONE**
- B. RESIDENTIAL LEASING – NONE**
- C. CDPC MINUTES - NONE**

IX. OTHER BUSINESS - NONE

X. ADDITIONS - NONE

XI. EXECUTIVE SESSION

- A. HIP - None**
- B. Commercial Leases - None**
- C. Agricultural Leases**
 - 1. 02201901A**

DRAFT

Motion by Sherrole Benton to approve all staff recommended motions contingent upon legal review; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

2. 02201902A

Motion by Sherrole Benton to approve all staff recommended motions with clarification that the lease amount is \$XXX per acre per month and contingent upon legal review; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

3. 02201903A

Motion by Sherrole Benton to approve all staff recommended motions contingent upon legal review; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

4. 02201904A

Motion by Sherrole Benton to approve all staff recommended motions contingent upon legal review; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

5. 02201905A

Motion by Sherrole Benton to approve all staff recommended motions contingent upon legal review; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

6. 02201906A

Motion by Sherrole Benton to approve all staff recommended motions contingent upon legal review; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

7. 02201907A

Motion by Sherrole Benton to approve all staff recommended motions contingent upon legal review; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

8. 02201908A

Motion by Sherrole Benton to approve all staff recommended motions contingent upon legal review; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

DRAFT**9. 02201909A**

Motion by Sherrole Benton to approve all staff recommended motions contingent upon legal review; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

10. 02201910A

Motion by Sherrole Benton to approve all staff recommended motions contingent upon legal review; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

D. Acquisitions**1. 04201901C**

Motion by Rebecca Webster to send to Troy Parr to determine whether there is an interest within the tribe where the Land Commission would cover costs of the appraised value and tenant would cover cost of the appraised value of everything other than the land. With the understanding that the cost can be paid back through an accelerated lease; seconded by Michael Mousseau. Motion carried unanimously:

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

E. Acquisition Budget**1. March**

Motion by Rebecca Webster to approve the acquisition budget as FYI; seconded by Michael Mousseau. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

F. Loans- none**G. Other****XII. ADJOURN**

Motion by Donald McLester to adjourn at 6:08 pm; seconded by Sherrole Benton. Motion carried unanimously.

Ayes: Rebecca Webster, Michael Mousseau, Sherrole Benton, Donald McLester, Julie Barton

DRAFT

Minutes prepared by Lee Cornelius, Recording Clerk
Minutes approved as presented/corrected on _____.

Michael Mousseau, Secretary
ONEIDA LAND COMMISSION

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____
Domestic Animals Law Fine, Penalty, and Licensing Fee Schedule

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Domestic Animals law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-03-13-96-B, and the amended by resolutions BC-06-22-11-G, BC-06-28-17-B, and BC-__-__-__-__; and

WHEREAS, the Law delegates joint authority to the Environmental, Health, Safety, and Land Division and the Environmental Resource Board to develop a fine, penalty, and licensing fee schedule; and

WHEREAS, the Environmental, Health, Safety, and Land Division and Environmental Resource Board jointly developed and approve this proposed fine, penalty, and licensing fee schedule; and

WHEREAS, the fine, penalty, and licensing fee schedule is required to be adopted by the Oneida Business Committee through resolution.

NOW THEREFORE BE IT RESOLVED, that the Environmental, Health, Safety, and Land Division and the Environmental Resource Board hereby set forth the following licensing and permit fee schedule in accordance with the Domestic Animals law:

| LICENSING AND PERMIT FEE SCHEDULE | | | | |
|--|------------------|------------------------------------|-------------------------------|--|
| License/Permit Type | Reference | Fee (per animal) | License/Permit Period | Location to Obtain License/Permit |
| Cat License | 304.7-1 | \$5 if spayed or neutered; or \$25 | January 1 – December 31 | LBDC or Oneida Conservation |
| Dog License | 304.7-1 | \$5 if spayed or neutered; or \$25 | January 1 – December 31 | LBDC or Oneida Conservation |
| Additional Dog/Cat Permit | 304.7-3(b) | \$5 if spayed or neutered; or \$25 | January 1 – December 31 | LBDC or Oneida Conservation |
| Prohibited Animal Permit | 304.10-4 | \$50 - \$500 | January 1 – December 31 | LBDC or Oneida Conservation |
| Conditional Use Permit – Livestock | 304.8-1 and | \$0 | Permit expires when permittee | Oneida Zoning Department |

| | | | | |
|-------------------------------|---------|--|--|--|
| and Hens on Residential Areas | 304.9-1 | | resides at an address that is different than the address on the permit | |
|-------------------------------|---------|--|--|--|

30
 31 **BE IT FURTHER RESOLVED**, that the Environmental, Health, Safety, and Land Division and the
 32 Environmental Resource Board hereby set forth the following fine and penalty schedule in accordance
 33 with the Domestic Animals law:
 34

| FINE AND PENALTY SCHEDULE | | | | |
|---|--------------------------|----------------------------|----------------------------|--------------------------------------|
| Violation | Reference | 1 st Offense | 2 nd Offense | 3 rd Offense and Up |
| TREATMENT OF ANIMALS | | | | |
| Failure to provide food and water | 304.6-1 | \$75 | \$150 | \$500 |
| Failure to comply with shelter standards | 304.6-2(a) 304.6-2(b) | \$75 | \$150 | \$500 |
| Failure to comply with space standards | 304.6-2(c) | \$75 | \$150 | \$500 |
| Failure to comply with sanitation standards | 304.6-2(d) | \$75 | \$150 | \$500 |
| Failure to comply with tethering standards | 304.6-3 | \$75 | \$150 | \$500 |
| Mistreatment of animals | 304.6-4 | \$500 | \$1,000 | \$2,000 |
| DOGS AND CATS | | | | |
| Failure to obtain license | 304.7-1 | \$25 | \$50 | \$100 |
| Improperly placed/ no attached license | 304.7-1(c) | \$25 | \$50 | \$100 |
| No current rabies vaccination | 304.7-2 | \$75 | \$150 | \$500 |
| Exceeding limit of allowed animals (per animal) | 304.7-3 | \$25 | \$50 | \$100 |
| Animal running at large | 304.7-4 | \$75 | \$150 | \$500 |
| Nuisance animal | 304.7-5 | \$75 | \$150 | \$500 |
| Failure to notify an animal bite | 304.7-6 | \$150 | \$500 | \$750 |
| Failure to comply with ordered quarantine | 304.7-6 | \$150 | \$500 | \$750 |
| Failure to obey district quarantine | 304.7-7 | \$150 | \$500 | \$750 |
| LIVESTOCK | | | | |
| Failure to obtain conditional use permit | 304.8-1 | \$75 | \$150 | \$500 |
| Violates limitations on livestock based on lot size | 304.8-2 | \$75 | \$150 | \$500 |
| Livestock at large | 304.8-3 | \$150 | \$500 | \$750 |
| HENS | | | | |
| Failure to obtain conditional use permit | 304.9-1 | \$75 | \$150 | \$500 |
| Prohibited keeping of rooster | 304.9-2 | \$75 | \$150 | \$500 |
| Exceeding limit of allowed hens | 304.9-3 | \$75 | \$150 | \$500 |
| Violation of standards for keeping hens | 304.9-4 | \$75 | \$150 | \$500 |
| Nuisance hens | 304.9-5 | \$75 | \$150 | \$500 |
| PROHIBITED ANIMAL | | | | |
| Possessing a prohibited animal | 304.10-1 | \$250 | \$500 | \$1,000 |
| Failure to obtain prohibited animal permit | 304.10-4 | \$250 | \$500 | \$1,000 |
| Failure to provide notice of release/escape | 304.10-7 | \$250 | \$500 | \$1,000 |
| DANGEROUS ANIMAL | | | | |
| Possessing a dangerous animal | 304.11-1 | \$500 | \$1,000 | \$2,000 |
| Failure to remove animal from the Reservation | 304.11-2(c) | \$500 | \$1,000 | \$2,000 |

BC Resolution # _____
 Domestic Animals Law Fine, Penalty, and Licensing Fee Schedule
 Page 3 of 3

| | | | | |
|---|----------------|-------|---------|---------|
| | 304.11-4(a) | | | |
| Failure to follow leash/muzzle requirements for dangerous animal | 304.11-3(b)(1) | \$500 | \$1,000 | \$2,000 |
| Failure to follow confinement requirements for dangerous animal | 304.11-3(b)(2) | \$500 | \$1,000 | \$2,000 |
| Failure to post required signs for dangerous animal | 304.11-3(b)(3) | \$500 | \$1,000 | \$2,000 |
| Failure to comply with notification requirements for dangerous animal | 304.11-3(b)(4) | \$500 | \$1,000 | \$2,000 |
| | 304.11-4(a)(1) | | | |
| Failure to submit proof of destruction of animal | 304.11-4(b) | \$150 | \$300 | \$500 |

35
 36 **BE IT FURTHER RESOLVED**, that in addition to the fines listed above additional penalties may include
 37 seizure or impoundment of animal, restitution, costs, damages, dangerous animal determination, and
 38 destruction of animal as provided for by the Domestic Animals law.

39
 40 **BE IT FURTHER RESOLVED**, criminal charges and referrals may be appropriate in certain cases and
 41 are not prohibited.

42
 43 **BE IT FURTHER RESOLVED**, the issuance of a citation for a third offense or more on the fine and
 44 penalty schedule shall require the mandatory appearance of the offender at the Trial Court's citation pre-
 45 hearing.

46
 47 **BE IT FURTHER RESOLVED**, the issuance of a citation for the mistreatment of animals shall require the
 48 mandatory appearance of the offender at the Trial Court's citation pre-hearing.

49
 50 **BE IT FINALLY RESOLVED**, the Oneida Business Committee hereby adopts this resolution which shall
 51 become effective on May 22, 2019.
 52



Statement of Effect

Domestic Animals Law Fine, Penalty, and Licensing Fee Schedule

Summary

This resolution adopts a fine, penalty, and licensing fee schedule developed by the Environmental, Health, Safety, and Land Division and the Environmental Resource Board in accordance with the Domestic Animals law.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: April 25, 2019

Analysis by the Legislative Reference Office

The Domestic Animals law (“the Law”) was adopted for the purpose of protecting the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals; setting minimum standards for the treatment of animals; prohibiting certain species of animals from being brought onto the Reservation; regulating the keeping of livestock on lots zoned residential within the Reservation; and establishing consequences for damages caused by domestic animals. [3 O.C. 304.1-1].

The Law delegates joint authority to the Environmental, Health, Safety, and Land Division and the Environmental Resource Board to develop a fine, penalty, and licensing fee schedule. [3 O.C. 304.5-3]. This fine, penalty, and licensing fee schedule is required to be adopted by the Oneida Business Committee. [3 O.C. 304.5-3].

Through this resolution the Environmental, Health, Safety, and Land Division and the Environmental Resource Board set forth a jointly developed licensing and permit fee schedule, as well as a fine and penalty schedule, to be adopted by the Oneida Business Committee.

The resolution also addresses additional penalties that may be used in the enforcement of this Law, the allowance for criminal charges and referrals in addition to penalties under this Law, and for what violations under the Law a mandatory appearance at the Nation’s Trial Court’s pre-hearing is required.

Conclusion

Adoption of this resolution would not conflict with any of the Nation’s laws.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Prohibited Animals under the Domestic Animals Law

1
2
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
4 recognized by the laws of the United States of America; and
5

6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7

8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10

11 **WHEREAS,** the Domestic Animals law ("the Law") was adopted by the Oneida Business Committee
12 through resolution BC-03-13-96-B, and the amended by resolutions BC-06-22-11-G, BC-
13 06-28-17-B, and BC-__-__-__-__; and
14

15 **WHEREAS,** the Law states that no person shall bring into, keep, harbor, maintain, offer for sale or
16 barter, act as a custodian, have custody or control of, or release to the wild on the
17 Reservation a prohibited animal; and
18

19 **WHEREAS,** the Law then delegates authority to the Oneida Business Committee to provide which
20 orders and families of animals, whether bred in the wild or in captivity, and any or all hybrids
21 are prohibited from being on the Reservation; and
22

23 **WHEREAS,** the list of prohibited animals is required to be adopted by the Oneida Business Committee
24 through resolution.
25

26 **NOW THEREFORE BE IT RESOLVED,** that in accordance with the Domestic Animals law the Oneida
27 Business Committee hereby sets forth the following list of prohibited animals to include the following orders
28 and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended
29 to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of
30 animals, unless otherwise specified:

31 (a) *Class Mammalia.*

32 (1) Order Chiroptera. This includes all bat species.

33 (2) Order Artiodactyla. This includes hippopotamuses, giraffes, camels, and deer, but
34 does not include domestic cattle, swine, sheep, goats, alpaca, and llama as prohibited
35 animals.

36 (3) Order Carnivora.

37 (A) Family Felidae. This includes lions, tigers, cougars, leopards, ocelots, and
38 servals, but does not include domestic cats as prohibited animals.

39 (B) Family Canidae. This includes wolves, wolf hybrids, coyotes, coyote hybrids,
40 foxes, and jackals, but does not include domestic dogs as prohibited animals.

41 (C) Family Ursidae. This includes all bears.

- 42 (D) Family Mustelidae. This includes weasels, skunks, martins, and minks, but
 43 does not include ferrets as prohibited animals.
 44 (E) Family Procyonidae. This includes raccoons, and coatis.
 45 (F) Family Hyaenidae. This includes hyenas.
 46 (G) Family Viverridae. This includes civets, genets, and mongooses.
 47 (4) Order Edentata. This includes anteaters, armadillos, and sloths.
 48 (5) Order Marsupialia. This includes opossums, kangaroos, wallabies, and sugar gliders.
 49 (6) Order Perissodactyla. This includes rhinoceroses, and tapirs, but does not include
 50 horses, goats, and mules as prohibited animals.
 51 (7) Order Primates. This includes lemurs, monkeys, chimpanzees, and gorillas.
 52 (8) Order Proboscidae. This includes elephants.
 53 (9) Order Rodentia. This includes squirrels, beavers, porcupines, and prairie dogs, but
 54 does not include guinea pigs, rats, mice, gerbils, and hamsters as prohibited animals.
 55 (b) *Class Reptilia*.
 56 (1) Order Squamata.
 57 (A) Family Helodermatidae. This includes Gila monsters and Mexican beaded
 58 lizards.
 59 (B) Family Varaidae. This includes any monitor lizard which will normally grow
 60 over two feet in length.
 61 (C) Family Iguanidae. This includes green iguanas and rock iguanas, but does
 62 not include all other types of iguanas which are not green or rock iguanas.
 63 (D) Family Boidae. This includes all species whose adult length may exceed eight
 64 (8) feet.
 65 (E) Family Colubridae. This includes boomslangs and African twig snakes.
 66 (F) Family Elapidae. This includes coral snakes, cobras, and mambas.
 67 (G) Family Nactricidae. This includes keelback snakes, but does not include all
 68 other snakes not keelback.
 69 (H) Family Viperidae. This includes copperheads, cottonmouths, and rattlesnakes.
 70 (2) Order Crocodylia. This includes crocodiles, alligators, caimans, and gavials.
 71 (c) *Class Aves*.
 72 (1) Order Falconiformes. This includes eagles, hawks, and vultures.
 73 (2) Order Rheiformes. This includes rheas.
 74 (3) Order Struthioniformes. This includes ostriches.
 75 (4) Order Casuariiformes. This includes cassowaries and emus.
 76 (5) Order Strigiformes. This includes owls.
 77 (d) *Class Arachnida*.
 78 (1) Order Scorpiones,
 79 (A) Family Buthidae. This includes scorpions.
 80 (2) Order Araneae,
 81 (A) Family Therididae. This includes the Argentina red widow spider, brown
 82 widow spider, red-black widow spider, red widow spider, southern black widow
 83 spider, and Western widow spider.
 84 (B) Family Laxoscelidae, This includes the brown recluse spider.
 85 (e) *Class Chilopoda*.
 86 (1) Order Scolopendromorpha,
 87 (A) Family Scolopendridae. This includes centipedes.
 88 (f) Any Federal or State endangered or threatened species.
 89
 90
 91

BE IT FINALLY RESOLVED, this resolution is hereby adopted and shall be effective on May 22, 2019.



Statement of Effect

Prohibited Animals under the Domestic Animals Law

Summary

This resolution adopts a list of animals that are prohibited from being kept, harbored, maintained, offered for sale or bartered, cared for, or released on the Reservation in accordance with the Domestic Animals law.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: April 25, 2019

Analysis by the Legislative Reference Office

The Domestic Animals law (“the Law”) was adopted for the purpose of protecting the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals; setting minimum standards for the treatment of animals; prohibiting certain species of animals from being brought onto the Reservation; regulating the keeping of livestock on lots zoned residential within the Reservation; and establishing consequences for damages caused by domestic animals. [3 O.C. 304.1-1].

The Law provides that no person shall bring into, keep, harbor, maintain, offer for sale or barter, act as a custodian, have custody or control of, or release to the wild on the Reservation a prohibited animal. [3 O.C. 304.10-1]. The Oneida Business Committee is then delegated the authority to adopt, through resolution, a list of which orders and families of animals, whether bred in the wild or in captivity, and any or all hybrids are prohibited from the Reservation. [3 O.C. 304.10-2].

This resolution sets forth the list of orders and families of animals which are prohibited from the Reservation. The resolution also clarifies that the animals listed are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified.

Conclusion

Adoption of this resolution would not conflict with any of the Nation’s laws.

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 4-17-19
- 2) Contact Person(s): Rae Skenandore Dept: _____
 Phone Number: 920-544-1856 Email: rskenan@gmail.com
- 3) Agenda Title: Amendments to the LPA
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
To develop a secondary and streamlined process to amend laws.
To add criteria for approving or denying a law from being added to the active files list

List any supporting materials included and submitted with the Agenda Request Form

- 1) _____
- 2) _____
- 3) _____
- 4) _____

- 5) Please List any laws, ordinances or resolution that might be affected:
Legislative Procedures Act
- 6) Please List all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? Yes No
 If yes, please indicate why: _____

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: *Rae Skenandore*

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
 Oneida-nsn.gov



TO: Oneida Business Committee
 FROM: David P. Jordan, Legislative Operating Committee Chairman
 DATE: May 8, 2019
 RE: Request for Modification of the Children's Code One Year Review

The Children's Code was adopted by the Oneida Business Committee (OBC) through resolution BC-07-26-17-J for the purpose of providing for the welfare, care, and protection of Oneida children through the preservation of the family unit, by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation, and acknowledging the customs and traditions of the Nation when raising an Oneida child.

On July 26, 2017, upon the adoption of the Children's Code the OBC directed that a full implementation plan be submitted to the OBC, with quarterly reports submitted thereafter, and a one (1) year review of the Children's Code itself as it relates to the law's full implementation and to ensure that if there are any changes that are necessary the Nation is also undertaking those as well.

On September 13, 2017, the OBC reviewed and accepted the Children's Code Implementation plan. This implementation plan was to be used as a guideline for the affected entities to prepare for the successful implementation of the Children's Code. The OBC was granted the authority to modify the effective date of the Children's Code or implementation plan as it deems necessary to successfully implement the Children's Code.

The Oneida Business Committee then adopted resolution BC-10-24-18-A to amend resolution BC-07-26-17-J to delay the implementation of the Children's Code. The Children's Code is now set to become effective on October 1, 2019.

Quarterly reports on the implementation of the Children's Code have been presented to the Oneida Business Committee on December 27, 2017, March 28, 2018, June 27, 2018, September 26, 2018, January 23, 2019, and April 24, 2019.

At the March 20, 2019, Legislative Operating Committee meeting the Legislative Operating Committee considered a request from the Nation's Indian Child Welfare Department and attorney to hold a work meeting to discuss potential amendments to the Children's Code. The Legislative Operating Committee deferred this issue to a work meeting.

On April 17, 2019, the Legislative Operating Committee held a work meeting with Jennifer Berg-Hargrove, the Director of Children and Family Services, and Michelle Gordon, Indian Child Welfare Department's attorney. During this work meeting potential amendments to the Children's Code were discussed.

Although the Legislative Operating Committee decided not to pursue amendments to the Children's Code at this time, the Legislative Operating Committee is requesting that the one (1) year review of the Children's Code be modified so that it occurs after six (6) months of the Children's Code implementation.

The modification of when the review of the Children's Code occurs will allow the Indian Child Welfare Department the opportunity to gain first-hand experience and understanding of the procedures and processes contained in the Children's Code which will provide valuable insight when considering future amendments to the Children's Code, but also allows the opportunity for the Nation to consider whether amendments are needed to make the Children's Code more effective and efficient before a full year has passed.

Requested Action

Amend the July 26, 2017, directive to complete a one (1) year review of the Children's Code to instead require that a review of the implementation of the Children's Code is conducted six (6) months after the Children's Code takes effect.

Oneida Nation

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Oneida, WI 54155

BC Resolution # _____

Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends

1
2
3 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe
4 recognized by the laws of the United States of America; and
5

6 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
7

8 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
9 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
10

11 **WHEREAS,** the Boards, Committees, and Commissions law ("the Law") was adopted by the Oneida
12 Business Committee through resolution BC-5-14-97-F and amended by resolutions BC-
13 09-27-06-E, BC-09-22-10-C, and most recently BC-09-26-18-C; and
14

15 **WHEREAS,** the Law provides stipends paid by the Oneida Nation to a person serving on a board,
16 committee, and commission of the Nation in order to compensate the individual for his or
17 her contribution of time, effort, and work for the boards, committee, or commission for the
18 betterment of the Nation; and
19

20 **WHEREAS,** the Law requires the Oneida Business Committee to set stipend amounts by resolution;
21 and
22

23 **WHEREAS,** the Oneida Business Committee is required to periodically review the amounts provided
24 for stipends and, based on the availability of funds, shall adjust those amounts accordingly
25 by amending this resolution; and
26

27 **WHEREAS,** on September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-
28 18-D titled, "*Boards, Committees, and Commissions Law Stipends*" which set forth the
29 specific stipend amounts allowed to be paid to a member of a board, committee, or
30 commission; and
31

32 **WHEREAS,** on April 10, 2019, the Oneida Business Committee received a request from the Oneida
33 Nation School Board to amend resolution BC-09-26-18-D to allow the Oneida Nation
34 School Board to receive a stipend for participating in the hiring process for Oneida Nation
35 School System Personnel; and
36

37 **WHEREAS,** the Oneida Nation School Board is required by the March 21, 1988, memorandum of
38 agreement between the Oneida Nation School Board and the Oneida Business Committee
39 to perform all hiring, evaluations, promotions, suspensions and/or dismissals of all
40 personnel employed in the operation of the Oneida Tribal School; and
41

42 **WHEREAS,** the Oneida Business Committee adopted a motion on April 10, 2019, to accept the request
43 from the Oneida Nation School Board to amend resolution BC-09-26-18-D and to defer the

44 request the Legislative Operating Committee and the Legislative Reference Office to bring
 45 back a recommendation which would support the request to include a stipend for HR
 46 functions; and
 47

48 **WHEREAS,** the Legislative Operating Committee and the Legislative Reference Office have reviewed
 49 the matter and provided this resolution to amend resolution BC-09-26-18-D.
 50

51 **NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee sets forth the following
 52 stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation:
 53

- 54 1. *Meetings of a Board, Committee, or Commission of the Nation.* A member of a board, committee,
 55 or commission of the Nation shall receive a stipend for attending a duly called meeting of the board,
 56 committee, or commission in accordance with the Law.
 57 a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board,
 58 committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75)
 59 for a duly called meeting of the board, committee, or commission for up to one (1) meeting
 60 per month.
 61 i. Appointed boards, committees, and commissions of the Nation include the
 62 following:
 63 1. Anna John Resident Centered Care Community Board;
 64 2. Oneida Community Library Board;
 65 3. Environmental Resource Board;
 66 4. Oneida Nation Arts Board;
 67 5. Oneida Nation Veterans Affairs Committee;
 68 6. Oneida Personnel Commission;
 69 7. Oneida Police Commission;
 70 8. Oneida Pow-wow Committee;
 71 9. Pardon and Forgiveness Screening Committee; and
 72 10. Southeastern Oneida Tribal Services Advisory Board.
 73 b. *Elected Boards, Committees, and Commissions.* A member of an elected board,
 74 committee, or commission of the Nation shall receive a stipend of one hundred dollars
 75 (\$100) for a duly called meeting of the boards, committee, or commission for up to two (2)
 76 meetings per month.
 77 i. Elected boards, committees, and commissions of the Nation include the following:
 78 1. Oneida Nation Commission on Aging;
 79 2. Oneida Election Board;
 80 3. Oneida Land Claims Commission;
 81 4. Oneida Land Commission;
 82 5. Oneida Nation School Board;
 83 6. Oneida Trust Enrollment Committee; and
 84 7. Oneida Gaming Commission;
 85 a. Although the Oneida Gaming Commission is an elected
 86 commission of the Nation, the Oneida Nation Gaming Ordinance
 87 provides that the compensation of Oneida Nation Gaming
 88 Commissioners is not subject to the Nation's Boards, Committees,
 89 and Commissions law.
 90 2. *Joint Meetings with the Oneida Business Committee.* A member of a board, committee, or
 91 commission of the Nation shall receive a stipend for attending a duly called joint meeting between
 92 the board, committee, or commission and the Oneida Business Committee in accordance with the
 93 Law.

BC Resolution # _____

Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends
Page 3 of 3

- 94 a. *Appointed Boards, Committees, and Commissions.* A member of an appointed board,
95 committee, or commission of the Nation shall receive a stipend of seventy-five dollars (\$75)
96 for a duly called joint meeting.
- 97 b. *Elected Boards, Committees, and Commissions.* A member of an elected board,
98 committee, or commission of the Nation shall receive a stipend of one hundred dollars
99 (\$100) for a duly called joint meeting.
- 100 3. *Oneida Judiciary Hearings.* A member of a board, committee, or commission of the Nation shall
101 receive a stipend of fifty dollars (\$50) for attending a hearing of the Oneida Judiciary if the member's
102 attendance at the hearing is required by official subpoena.
- 103 4. *Hearings of a Board, Committee, or Commission of the Nation.* A member of a board, committee,
104 or commission of the Nation shall receive a stipend of fifty dollars (\$50) for conducting an official
105 hearing of the board, committee, or commission.
- 106 5. *Miscellaneous Stipends.* The Oneida Business Committee shall have the discretion to determine
107 any other stipends deemed appropriate.
- 108 a. *Pow-wow Activities.* A member of the Oneida Pow-wow Committee shall receive a stipend
109 of twenty-five dollars (\$25) per hour for services he or she provides during each Pow-wow,
110 not to exceed two hundred dollars (\$200) per day, contingent upon available budgeted
111 funds.
- 112 b. *Election Activities.* A member of the Oneida Election Board shall receive a stipend of ten
113 dollars (\$10) per hour for services he or she provides during an election including, but not
114 limited to, managing the polling site, recounts, and lot drawings.
- 115 c. *General Tribal Council Meetings.* A member of the Oneida Election Board shall receive a
116 stipend of one hundred dollars (\$100) for attendance and service provided at a General
117 Tribal Council meeting of the Nation.
- 118 d. *Interviews and Job Selection Pre-Screening.* A member of the Oneida Personnel
119 Commission and/or the Oneida Nation School Board shall receive a stipend of twenty-five
120 dollars (\$25) for up to four (4) hours of participating in interviews and/or job description pre-
121 screens, and a stipend of fifty dollars (\$50) for more than four (4) hours of participating in
122 interviews and/or job description pre-screens.
- 123 6. *Conferences and Training.* A member of a board, committee, or commission of the Nation shall
124 receive a stipend of one hundred dollars (\$100) per day for attendance at a conference or training
125 that is required by law, bylaw, or resolution.

126
127 **BE IT FINALLY RESOLVED**, that this resolution hereby adopted and shall be effective immediately.



Statement of Effect

Amending Resolution BC-09-26-18-D Boards, Committees, and Commissions Law Stipends

Summary

This resolution amends resolution BC-09-26-18-D titled, “*Boards, Committees, and Commissions Law Stipends*” which sets forth specific stipend amounts allowed to be paid to a member of a board, committee, or commission of the Nation.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office
Date: April 26, 2019

Analysis by the Legislative Reference Office

The Boards, Committees, and Commissions law (“the Law”) was adopted by the Oneida Business Committee for the purpose of governing boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. [1 O.C. 105.1-1].

Stipends are paid by the Oneida Nation to a person serving on a board, committee, or commission of the Nation in order to compensate the individual for his or her contribution of time, effort, and work for his or her board, committee, or commission for the betterment of the Nation. [1 O.C. 105.3-1(n)].

The Law requires that the Oneida Business Committee set stipend amounts by resolution. [1 O.C. 105.13-2]. On September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-D titled, “*Boards, Committees, and Commissions Law Stipends*” which set forth the specific amounts for the various stipends a member of a board, committee, or commission may be eligible to receive.

The Oneida Business Committee is delegated the responsibility to periodically review the amounts provided for stipends, and based on the availability of funds, adjust those amounts accordingly by amending the stipend resolution. [1 O.C. 105.13-2].

On April 10, 2019, the Oneida Business Committee received a request from the Oneida Nation School Board to amend resolution BC-09-26-18-D to allow the Oneida Nation School Board to receive a stipend for participating in the hiring process for Oneida Nation School System Personnel. The Oneida Nation School Board is required by the March 21, 1988, memorandum of agreement between the Oneida Nation School Board and the Oneida Business Committee to perform all hiring, evaluations, promotions, suspensions and/or dismissals of all personnel employed in the operation of the Oneida Tribal School.

The Oneida Business Committee adopted a motion on April 10, 2019, to accept the request from the Oneida Nation School Board to amend resolution BC-09-26-18-D and to defer the request the Legislative Operating Committee and the Legislative Reference Office to bring back a recommendation which would support the request to include a stipend for HR functions.

This resolution amends resolution BC-09-26-18-D to allow the Oneida Nation School Board to receive a stipend for interviews and job selection pre-screening. This resolution provides that a member of the Oneida Nation School Board is eligible to receive a stipend of twenty-five dollars (\$25) for up to four (4) hours of participating in interviews and/or job description pre-screens, and a stipend of fifty dollars (\$50) for more than four (4) hours of participating in interviews and/or job description pre-screens.

Conclusion

Adoption of this resolution would not conflict with any of the Nation's laws.

Oneida Nation

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BC Resolution #
Research Requests: Review and Approval to Conduct

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
 - WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
 - WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
 - WHEREAS,** the General Tribal Council created the Oneida higher-education scholarship which provides funding for undergrad and graduate level degrees that has led to a significant increase in the number of Oneida members obtaining bachelor’s degrees and then obtaining graduate level degrees; and
 - WHEREAS,** such graduate level programs generally require research papers to be completed as a thesis or dissertation; and
 - WHEREAS,** Oneida members in these programs frequently wish to conduct a research project that provides insight and awareness to an aspect of the Oneida Nation as a government, business, and/or community, and such research should be reviewed to ensure that Oneida members, the Nation, and the community are protected, the information developed is provided to the Nation, and the research accurately portrays the complex history and current activities of the Oneida Nation and its members; and
 - WHEREAS,** there is increased research of tribes and Native Americans by colleges and universities, and businesses conducting research on new products; and
 - WHEREAS,** research in medicine and science has taken steps to protect research subjects now recognize that tribes and Native Americans should be taken into consideration given their unique aspects and need for protection; and
 - WHEREAS,** the Oneida Business Committee has relied upon an informal process of review through the Oneida Law Office regarding research requests, including information access, to determine whether approve an authorization to conduct research or issuance of a community support letter; and
 - WHEREAS,** the Oneida Business Committee, through the Quarterly Reporting process by boards, committees and commissions and divisions of the Nation, has identified that a greater number of research projects regarding the Nation and its members is occurring than originally understood; and
- NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee sets forth the following requirements when conducting research involving the Oneida Nation and its members, including requests for community support letters regarding research.

49 **BE IT FURTHER RESOLVED**, that requests by students in bachelor's, master's or doctoral level studies
50 shall:

- 51 1. Be provided a copy of this resolution by the Education and Training Department when approved
52 for the Oneida higher-education scholarship and upon receiving the first scholarship payment;
53 then by memo or other notice annually thereafter.
- 54 2. Be submitted to the Chief Counsel of the Oneida Law Office for review and recommendation for
55 action to the Oneida Business Committee.
 - 56 a. The Chief Counsel shall call upon necessary expertise within the organization to review
57 research requests, specifically departments or entities affected, and provide a
58 recommendation to approve, disapprove, or amend research requests.
 - 59 b. The Chief Counsel shall submit the research request to the Oneida Business Committee
60 with a brief summary of the research, the name of the student, the degree and education
61 institution attending, and a recommendation to approve or disapprove the research
62 request.
- 63 3. Be required to submit a copy of the final draft of the research to the Chief Counsel of the Oneida
64 Law Office for review regarding accuracy of the information.
- 65 4. Be required to submit a copy of the published or approved research project to the Chief Counsel
66 of the Oneida Law Office to be presented to the Oneida Business Committee a final published or
67 approved research project. The Chief Counsel shall notify the student of the date of the Oneida
68 Business Committee meeting and invite the student to provide a brief overview of the research
69 and findings.
70

71 **BE IT FURTHER RESOLVED**, that any research request by an educational institution or business which
72 requires access to the Oneida Nation or members for research studies of human subjects shall be:

- 73 1. Presented to the Director of Comprehensive Health Operations for review and recommendation
74 for action to the Oneida Business Committee.
 - 75 a. The Director shall call upon necessary expertise within the organization to review
76 research requests, specifically departments or entities affected, and provide a
77 recommendation to approve, disapprove, or amend research requests.
 - 78 b. The Director shall submit the research request to the Oneida Business Committee with a
79 brief summary of the research, the name of the researcher, the university or business
80 being represented, and a recommendation to approve or disapprove the research
81 request.
- 82 2. Be required to submit a copy of the final draft of the research to the Director for review regarding
83 accuracy of the information.
- 84 3. Be required to submit a copy of the published or approved research project to the Director to be
85 presented to the Oneida Business Committee a final published or approved research project. The
86 Director shall notify the researcher of the date of the Oneida Business Committee meeting and
87 invite the researcher to provide a brief overview of the research and findings.
88

89 **BE IT FURTHER RESOLVED**, that no entity, employee or representative of the Oneida Nation is
90 authorized to approve research on behalf of the Oneida Nation unless in accordance with this resolution
91 or a law which supersedes this resolution.
92

93 **BE IT FINALLY RESOLVED**, no research project data or materials can be utilized for any other or for
94 extended research without written approval of the Oneida Nation.



Statement of Effect

Research Requests: Review and Approval to Conduct

Summary

The resolution sets forth requirements to be followed when conducting research involving the Oneida Nation and its members, including requests for community support letters regarding research.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Date: April 26, 2019

Analysis by the Legislative Reference Office

This resolution sets forth requirements when conducting research involving the Oneida Nation and its members, including requests for community support letters regarding research in an effort to ensure that Oneida members, the Nation, and the community are protected; the information developed is provided to the Nation; and the research accurately portrays the complex history and current activities of the Oneida Nation and its members.

The resolution provides students in bachelor's, master's or doctoral level studies a different process and set of requirements than an educational institution or business that wishes to have access to the Nation or its members for research studies of human subjects.

The resolution also identifies that no entity, employee, or representative of the Nation is authorized to approve research on behalf of the Nation, unless in accordance with this resolution.

Finally, the resolution provides that no research project data or materials can be utilized for any other research or for extended research without written approval of the Nation.

Conclusion

Adoption of this resolution would not conflict with any of the Nation's laws.



Legislative Operating Committee FY19 Second Quarter Report: January 1, 2019- March 31, 2019

Executive Summary

The Legislative Operating Committee (LOC) focused on three specific items in the second quarter; amendments to all the boards, committees, and commissions bylaws, the Election law Amendments, and the Sanctions and Penalties law. As of March 31, the bylaws amendments were a high priority, and the Election Amendments and Sanctions and Penalties law had both been discussed by the General Tribal Council (GTC). Each of these laws are now expected to come back to the GTC for consideration. The LOC hopes this will happen by the end of this year.

Updates to the Active Files List

The LOC added five (5) items to the active files list and worked on two General Tribal Council Petitions. At the end of the quarter, the LOC was considering whether to add amendments to the Children's Code and the Boards, Committees, and Commissions law to the active files list. Meetings were scheduled to discuss these two requests in the third quarter.

Legislation added to the active files list;

1. General Welfare Exclusion Act- Income Exemptions
2. Attorney Contract Policy Amendments
3. Taxation
4. Environmental Review Law
5. Tribal Institutional Review Board Law

General Tribal Council Petitions add to the active files list;

1. Petition: Scott Kosbab- Creating Term Limits Law
2. Petition: G. Powless- Rescinding the Removal Law

Status of Active and Completed Legislation for the 2017-2020 Term

Table 1. of this report illustrates the status of each legislative item the LOC was working on as of April 12, 2019. Table 2. includes a list of the legislation that has been completed in the 2017-2020 term (Since August 2017), along with a brief description of the legislation.

Table 1. Status of Active Legislative Items as of April 12, 2019



| | Research | Outreach Work Meetings Drafting | Analysis Public Meeting | Comment Review LOC approval | Ready for Adoption |
|---|----------|---------------------------------------|----------------------------|--------------------------------|-----------------------|
| High Priorities-LOC is focusing most on on this legislation | | | | | |
| Election Amendments | | | | | ● |
| Sanctions & Penalties | | | | | ● |
| Child Support Amendments | | ● | | | |
| Domestic Animals Amendments | | | | ● | |
| Boards, Committees, & Commissions Bylaws | | | | ● | |
| Oneida Food Service Code Amendments | | ● | | | |
| Curfew | | ● | | | |
| Industrial Hemp | ● | | | | |
| Taxation | ● | | | | |
| Wellness Court | ● | | | | |
| Children’s Code (Adopted) | | | | | ● |
| Medium Priorities- LOC is working on this legislation and these items will likely become high priorities | | | | | |
| Recycling & Solid Waste Law Amendments | | ● | | | |
| Public Peace | ● | | | | |
| Drug & Alcohol Free Elected/Appointed Officials | ● | | | | |
| Tribal Traffic Code | ● | | | | |
| Business Corporations | ● | | | | |
| Code of Ethics Amendments | ● | | | | |
| Rules of Civil Procedure Amendments | ● | | | | |
| General Welfare Exclusion- Income Exemptions | ● | | | | |
| Low Priorities- LOC is not currently working on this legislation, but plans to in the future | | | | | |
| Work Visas | ● | | | | |
| Law Enforce. Ord. Amendments- Con. Wardens | ● | | | | |
| Environmental Review Law | ● | | | | |
| Attorney Contract Policy Amendments | ● | | | | |
| Tribal Institutional Review Board | ● | | | | |
| Guardianship | ● | | | | |
| Uniform Commercial Code | ● | | | | |
| Personnel Policies & Procedures Amendments | ● | | | | |
| Investigative Leave Policy Amendments | ● | | | | |
| Workplace Violence Amendments | ● | | | | |

At the September 24, 2018 Special GTC Meeting, the GTC was asked to prioritize the Nation’s Service Groups by order of importance. The results are shown below. Table 2. lists the completed legislation for the 2017-2020 term, and indicates which priority applies to the completed legislation.

- | | | |
|---------------------------------------|-------------------------------|--|
| 1. Health Care | 6. Human Services | 11. Utilities, Wells, Wastewater, Septic |
| 2. Education & Culture | 7. Economic Enterprises | 12. Building & Property Maintenance |
| 3. Housing | 8. Government Administration | 13. Planning, Zoning, & Development |
| 4. Preservation of Culture & Literacy | 9. Public Safety | |
| 5. Preservation of Natural Resources | 10. Membership Administration | |

Table 2. Completed Legislation for 2017-2020 Term as of April 12, 2019

| Name of Legislation | Adopting Resolution or Date Adopted | Summary of Legislation | *Priorities as Identified by GTC- September 2018 |
|--|---|--|---|
| Oneida Nation Seal and Flag Rule #1- Placement, Maintenance, and Authorized Use | 09-13-17 | This rule governs the placement, maintenance, and authorized use of the official Oneida Nation Seal under the Oneida Nation Seal and Flag law. | 8-Government Administration |
| Legal Resource Center | BC-09-13-17-L | On 11/14/17 GTC directed the OBC to establish a legal office consisting of advocates and an advising attorney for GTC. This law provides the framework for the office. | 6-Human Services |
| Landlord-Tenant Law Amendments | BC-12-13-17-D | Extended the length of a rental agreement for tenants in the rent to own program. | 3-Housing |
| Membership Ordinance Rule #1- Enrollment Rule | 01-10-18 | This rule creates enrollment procedures for carrying out the responsibility delegated to the Oneida Trust Enrollment Committee in the Membership Ordinance. | 10-Membership Administration |
| Community Support Fund- Rule Handbook | 01-24-18 | This Rule Handbook provides guidance on how the Community Support Fund is used so that the Nation can assist the greatest number of members of the Nation who apply for assistance to the Fund in times of a catastrophic event, illness, injury, or emergency event when no other resources for assistance exist. | 6-Human Services |
| Membership Ordinance Rule #2- Voiding Unlawful Membership | 02-14-18 | This rule creates a process by which the Oneida Nation may void the membership of a tribal member who no longer qualifies for enrollment pursuant to the Membership Ordinance under limited circumstances. | 10-Membership Administration |
| Domestic Animals Law Rule #1- Licensing, Fees, and Penalties | 04-25-18 | This rule sets the licensing, fees, and penalties for the Domestic Animal Law. | 9-Public Safety |
| Leasing Law | Adopted pending BIA approval – BC-10-26-16-C Became effective 04-19-18 | The federal HEARTH Act enables tribes to approve individual surface leases for their own trust lands- provided that the tribe has adopted tribal leasing regulations that are approved by the Secretary of the Interior. This law was adopted on 10/26/16 and became effective on 05/19/18. | 3-Housing |
| Leasing Law Rule #2- Agriculture Leases | 5/16/18 | This rule codified the existing standard operating procedure regarding agriculture leases, allowing the Nation to lease agricultural land in the best interest of the Nation. | 3-Housing |

| | | | |
|--|-------------------------------|---|--------------------------------|
| Leasing Law Rule #3- Commercial Leases | 06/16/18 | This rule codified the existing standard operating procedure regarding commercial leases, allowing the Nation to lease in a manner that is fair and equitable for tribal fee and trust lands that are used for commercial purposes. | 3-Housing |
| Legal Resource Center Rule #1- Application for Services | 07-25-18 | This rule created a procedure for individuals to apply for services from the Legal Resource Center. | 6-Human Services |
| Leasing Law Rule #1- Residential Leasing- Emergency Adoption | 08-22-18 | This rule expands upon the information provided on the Leasing Law regarding eligibility, administration, inheritability, and enforcement related to residential leases. | 3-Housing |
| Boards, Committees, and Commissions Law | BC-9-26-18-C | The Comprehensive Policy Governing Boards, Committees, and Commissions was updated regarding; creation, application, vacancies, appointments, oaths, reporting, stipends, dissolution, enforcement, and was retitled. | 8-Government Administration |
| Employee Protection Emergency Amendments and Rescission | BC-09-26-18-F (Rescission) | The amendments were revised to be an emergency due to action taken through resolution BC-04-11-18-A by the Oneida Business Committee (OBC) which dissolved the Personnel Commission and directed the Legislative Operating Committee (LOC) to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting for consideration. On August 27, 2018, the GTC motioned to rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the amendments related to the Blue Book from April 11, 2018 to today. Oneida Business Committee then adopted resolution BC-09-26-18-F which formally repealed the emergency amendments to the Employee Protection Policy. | 6-Human Services |
| Military Service Employee Protection Emergency Amendments and Rescission | BC-09-26-18-F (Rescission) | See Employee Protection Emergency Amendments and Rescission explanation above. | 6-Human Services |
| Rules of Civil Procedure Emergency Amendments and Rescission | BC-09-26-18-F (Rescission) | See explanation above. | 8-Government Administration |
| Personnel Policies and Procedures Emergency Amendments and Rescission | BC-09-26-18-F (Rescission) | See Employee Protection Emergency Amendments and Rescission explanation above. | 6-Human Services |
| Landlord Tenant Rule #1- General Renter Program Eligibility, Selection, and | 10-24-18 | These are amendments to Landlord Tenant Law Rule No. 1 which provide additional eligibility requirements, selection | |

| | | | |
|--|--|---|-----------------------------|
| Other Requirements Amendments | | procedures, and general requirements that govern the Comprehensive Housing Division’s general rental programs that are not reserved for elders or low-income tribal members. | 3-Housing |
| Whistleblower Protection Law | BC-02-12-19-B | The Employee Protection Policy was amended for reasons other than the dissolution of the Oneida Personnel Commission. The law was retitled the Whistleblower Protection law and is designed to give protection to employees who give information that is intended to protect the Nation from fraud, theft, and other detrimental effects. | 8-Government Administration |
| General Tribal Council Petitions- each petition must have a Statement of Effect developed. The SOE indicates whether the proposed petition would conflict with existing laws. | <ol style="list-style-type: none"> 1. Petition: Delgado- Trust Land Distribution 2. Petition: Doge- Law Firm for GTC 3. Petition: G. Dallas- \$5,000 Payment Within 90 Days 4. Petition: Gladys Dallas- Special Per Capita Payment and/or Options Payment 5. Petition: G. Dallas- \$5k Per Capita 6. Petition: Graham- 2017 General Election 7. Petition: G. Powless- Banishment Law Resolution 8. Petition: G. Powless- Oneida Personnel Commission Dissolution 9. Petition: G. Powless- Rescinding the Removal Law 10. Petition: Linda Dallas- Medicare Part B Premium Payment 11. Petition: Metivier- Hourly Wage Increase 12. Petition: Metivier- Treatment Clinic 13. Petition: Powless, Debra- 2017 Tri Annual General Election 14. Petition Scott Kosbab- Creating a Term Limits Law 15. Petition- Vandehei- E-poll Process 16. Petition: C. Metoxen- Oneida Youth Leadership Institute | 8-Government Administration and 10-Membership Administration | |

Table 3. Meetings held by the Legislative Operating Committee in Second Quarter

| Legislative Operating Committee Meetings | |
|---|--|
| January 2, 2019 | Regular LOC meeting |
| January 7, 2019 | Special LOC meeting |
| January 16, 2019 | Regular LOC meeting |
| February 6, 2019 | Regular LOC meeting |
| February 20, 2019 | Regular LOC meeting |
| March 4, 2019 | Regular LOC meeting (Rescheduled from March 6) |
| March 20, 2019 | Regular LOC meeting |
| Public Meetings and Outreach Events | |
| March 11, 2019 | Domestic Animals Amendments (Comment period ended 3/18/19) |
| March 21, 2019 | Curfew Law Community Pot Luck |

Legislative Operating Committee Second Quarter Highlights

Sanctions & Penalties Law Outreach- Video

This law would provide a process to sanction or penalize appointed and elected officials, including the Oneida Business Committee. Currently, the only way to hold an official accountable is by removal or termination of appointment. Not all misconduct warrants removal or termination. Sanctions and penalties could include public apology, suspension, loss of stipends, monetary fines, etc.

The LOC produced a video to be posted on Facebook leading up to the February 24, 2019 General Tribal Council Meeting. That meeting was cancelled due to inclement weather and rescheduled for March 17, 2019. As of March 27, 2019, the video was viewed 3,917 times.

At the March 17, 2019 GTC meeting, the GTC voted to *“defer this Item for at least sixty (60) days for the GTC to have additional time to consider it and have input”*. The LOC is planning more outreach opportunities for this legislation and will bring it back to a GTC meeting as soon as there is an opportunity. The LOC has held a Community Pot Luck and a public meeting for this legislation already. We hope that more people will participate before it comes back to the GTC.



February 8, 2019
The LOC produced a video regarding the Sanctions and Penalties Law, leading up to the GTC meeting. Councilwoman Webster runs through her lines for the video. The video was viewed 3,917 times.



February 8, 2019
The Communications Department helped the LOC produce the Sanctions and Penalties video. Councilman Metoxen practicing his lines.

Curfew Law Outreach- Oneida Nation High School and Community Pot Luck

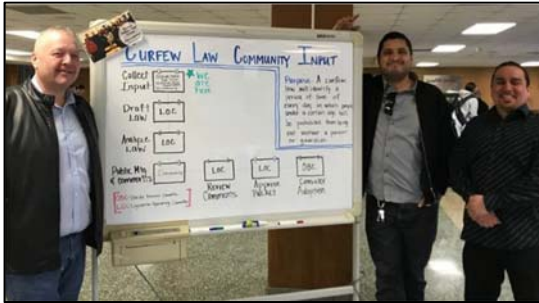
The LOC is working on a Curfew Law for Oneida. This effort is a result of the LOC’s work with the Tribal Action Plan Team. Curfew laws can be used to protect youth from victimization and prevent juvenile crimes and delinquency by reducing or preventing exposure of youth to negative situations by restricting their access to public places at night.

The LOC is taking this opportunity to collaborate with the Oneida Nation High School (ONHS) students. On March 13, 2019 staff from the



March 13, 2019
Oneida Nation High School Clan Council collaborated with the LOC on a potential Curfew Law.

Legislative Reference Office met with the ONHS Clan Council to discuss their thoughts and ideas regarding a Curfew law. The Clan Council is supportive of the idea and shared several ideas with the work team. The LOC will consider the student’s ideas in upcoming work meetings. The Clan Council will be invited to participate in the entire legislative process, until the Curfew Law is ready to be considered for adoption by the OBC.



March 21, 2019
The LOC hosted a community pot luck to discuss a Curfew Law. While the community expressed interest in the event, no one attended the meeting. This highlights how collecting public comment is difficult.

The LOC hosted a community pot luck to discuss a Curfew law on March 21, 2019. Unfortunately, no one attended the meeting, so there was no discussion. This is the first of four community pot lucks that the LOC has held, without attendance. The average number of people that attend these events is 14. The LOC will continue to explore new ways for the community to participate in the legislative process. If you have comments regarding a Curfew Law, please contact a member of the LOC to share your thoughts.

Legislative Operating Committee’s FY19 Third Quarter Plans

1. Bylaws Amendments- The newly amended Boards, Committees, and Commissions law requires all the Nation’s seventeen boards, committees, and commissions to amend their bylaws to comply with the law. This project began in October 2018 and the LOC is focused on completing it as soon as possible.
2. Election law Amendments- In 2018, the GTC directed that the Election law come back to the GTC with suggested amendments. In January 2019, this item was deferred to a future GTC Meeting. The LOC hopes to place these amendments on an upcoming GTC agenda so that the GTC can consider their adoption.
3. Sanctions & Penalties law- This law is designed to provide a process for members of the Business Committee, and other boards, committees, and commissions to face sanctions or penalties for misconduct. Currently, the only penalty for misconduct is removal or termination from office. On March 17, 2019 at a special GTC Meeting, the GTC adopted a motion to defer the item *“for at least sixty (60) days for the GTC to have additional time to consider it and have input”*. Based on this action, the LOC will be host and provide additional community outreach efforts once this item is assigned to a GTC agenda.
4. Domestic Animals Law Amendments- The LOC will forward these amendments to the Oneida Business Committee for consideration in the third quarter. Amendments include updating the law with regard to violations, enforcement, appeals, hearing procedures, citations, and dangerous dogs.

5. Legislative Strategy for Remainder of the 2017-2020 Term- On April 11, 2019, the LOC will review all the items on the active files list and decide what the most important priorities are, and the LOC will continue discussing a strategy for finishing them before July 2020.
6. Public Meeting Format- So far this term, the public meeting attendance rates have not increased from the 2014-2017 term. The LOC will be trying new strategies including; changing the time of day the meetings are held and redesigning the public meeting notices. The LOC is also considering producing another video encouraging community members to participate in the legislative process.

Legislative Reference Office Update

The LRO is the support office for the LOC. The LRO drafts law, analyzes law, holds public meetings, collects public comment, and involves various departments on legislative work teams where the LOC discusses policy and makes decisions.

In the second quarter, the LRO focused on preparing for General Tribal Council meetings to discuss the Election law amendments and a Sanctions & Penalties law. In addition, the LRO focused on assisting boards, committees, and commissions with updating their bylaws. The original deadline for this project was March 26, 2019. On March 27, 2019, the Oneida Business Committee granted an extension for this deadline. In the third quarter, the LRO will; continue to work with entities to complete their bylaws amendments, focus on the Oneida Food Service Code amendments, the Domestic Animals law amendments, the Recycling and Solid Waste Disposal law amendments, and the Child Support law Amendments.

Legislative Operating Committee Contact Information

Feel free to contact the LOC with questions or comments;

- David Jordan, LOC Chairperson, djordan1@oneidanation.org
- Kirby Metoxen, LOC Vice Chairperson, kmetox@oneidanation.org
- Jennifer Webster, LOC member, jwebste1@oneidanation.org
- Daniel King-Guzman, LOC Member, dguzman@oneidanation.org
- Ernest Stevens III, LOC Member, esteven4@oneidanation.org
- LOC@oneidanation.org



May 2019

| May 2019 | | | | | | June 2019 | | | | | | | |
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| 12 | 13 | 14 | 15 | 16 | 17 | 18 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 26 | 27 | 28 | 29 | 30 | 31 | | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| | | | | | | | 30 | | | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--|---------|--|--|--|----------|
| Apr 28 | 29 | 30 | May 1 9:00am LOC (BC_Conf_Room) - LOC 9:00am LOC Meeting (BC_Conf_Room) 9:00am LOC Meeting | 2 | 3 2:30pm LOC Work Session (BC_Exec_Conf_Room) - LOC | 4 |
| 5 | 6 2:30pm LOC Work Session (BC_Conf_Room) - Maureen S. Perkins | 7 | 8 | 9 | 10 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago | 11 |
| 12 | 13 2:30pm FW: LOC Work Session (BC_Exec_Conf_Room) - Maureen S. Perkins | 14 | 15 9:00am LOC Meeting (BCCR) - LOC | 16 | 17 | 18 |
| 19 | 20 2:30pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago | 21 | 22 | 23 1:30pm FW: LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | Jun 1 |

June 2019

| June 2019 | | | | | | | July 2019 | | | | | | |
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| 9 | 10 | 11 | 12 | 13 | 14 | 15 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 | 28 | 29 | 30 | 31 | | | |
| 30 | | | | | | | | | | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------|---------|--|--|--------|----------|
| May 26 | 27 | 28 | 29 | 30 | 31 | Jun 1 |
| 2 | 3 | 4 | 5 9:00am LOC (BC_Conf_Room) - LOC 9:00am LOC Meeting 9:00am LOC Meeting | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 2:00pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago | 14 | 15 |
| 16 | 17 | 18 | 19 9:00am LOC Meeting (BCCR) - LOC | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago | 28 | 29 |
| 30 | Jul 1 | 2 | 3 | 4 | 5 | 6 |