

# Oneida Nation

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Oneida, WI 54155

## BC Resolution # 05-13-20-C

### Amended Domestic Animals Law Fine, Penalty, and Licensing Fee Schedule

- 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, BC-05-08-19-C, and BC-05-13-20-B; 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 fine, penalty, and licensing fee schedule is required to be adopted by the Oneida Business Committee through resolution; and
- WHEREAS,** the Environmental, Health, Safety, and Land Division and Environmental Resource Board jointly developed a fine, penalty, and licensing fee schedule that was adopted by the Oneida Business Committee through resolution BC-05-08-19-D; and
- WHEREAS,** the Domestic Animals Law Fine, Penalty, and Licensing Fee Schedule resolution is being amended to correspond with the adoption of the most recent amendments to the Law through resolution BC-05-13-20-B; and
- WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” which declared a Public Health State of Emergency for the Nation in regard to the COVID-19 virus until April 12, 2020, and this Public Health State of Emergency was extended to May 12, 2020, through the adoption of resolution BC-03-28-20-A, “*Extension of March 12th Declaration of Public Health State of Emergency*”; and
- WHEREAS,** on April 8, 2020, the Oneida Business Committee adopted resolution BC-04-08-20-C titled, “*Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020*,” which requires greater reduction in expenses as a result of zero gaming revenues supporting governmental functions, and included initial and on-going layoffs; and
- WHEREAS,** the Oneida Business Committee also adoption resolution BC-04-08-20-B titled. “*Placing Listed Boards, Committees, and Commissions in Temporary Closure Status*” which identified that continuing to operate certain boards, committees, and commissions of the

Nation would generate expenses that would affect the overall financial status of the Nation, and therefore certain boards, committees, and commissions should be placed on temporary closure for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal Year 2021 to preserve funding for necessary governmental services and activities; and

**WHEREAS,** the Environmental Resource Board was one of the boards, committees, and commissions of the Nation identified in resolution BC-04-08-20-B and placed in temporary closure status, and therefore not available to approve amendments to this resolution; and

**WHEREAS,** the Environmental, Health, Safety, and Land Division approved this resolution to come before the Oneida Business Committee for adoption; and

**NOW THEREFORE BE IT RESOLVED,** that the Nation hereby sets forth the following licensing and permit fee schedule in accordance with the Domestic Animals law:

<b>LICENSING AND PERMIT FEE SCHEDULE</b>				
License/Permit Type	Reference	Fee (per animal)	License/Permit Period	Location to Obtain License/Permit
Cat License	304.6-1	\$5 if spayed or neutered; or \$25	January 1 – December 31	LBDC or Oneida Conservation
Dog License	304.6-1	\$5 if spayed or neutered; or \$25	January 1 – December 31	LBDC or Oneida Conservation
Additional Dog/Cat Permit	304.6-3(b)	\$5 if spayed or neutered; or \$25	January 1 – December 31	LBDC or Oneida Conservation
Prohibited Animal Permit	304.9-4	\$50 - \$500	January 1 – December 31	LBDC or Oneida Conservation
Conditional Use Permit – Livestock and Hens on Residential Areas	304.7-1 and 304.8-1	\$0	Permit expires when permittee resides at an address that is different than the address on the permit	Oneida Zoning Department

**BE IT FURTHER RESOLVED,** that the Nation hereby sets forth the following fine and penalty schedule in accordance with the Domestic Animals law:

<b>FINE AND PENALTY SCHEDULE</b>					
Violation	Reference	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense and Up	Mandatory Appearance
<b>TREATMENT OF ANIMALS</b>					
Failure to provide food and water	304.5-1	\$75	\$150	\$500	No
Failure to comply with shelter standards	304.5-2(a) 304.5-2(b)	\$75	\$150	\$500	No
Failure to comply with space standards	304.5-2(c)	\$75	\$150	\$500	No
Failure to comply with sanitation standards	304.5-2(d)	\$75	\$150	\$500	No

Failure to comply with tethering standards	304.5-3	\$75	\$150	\$500	No
Mistreatment of animals	304.5-4	\$500	\$1,000	\$2,000	Yes
Abandonment of an animal	304.5-5	\$500	\$1,000	\$2,000	Yes
<b>DOGS AND CATS</b>					
Failure to obtain license	304.6-1	\$25	\$50	\$100	No
Improperly placed/ no attached license	304.6-1(c)	\$25	\$50	\$100	No
No current rabies vaccination	304.6-2	\$75	\$150	\$500	No
Exceeding limit of allowed animals (per animal)	304.6-3	\$25	\$50	\$100	No
Animal running at large	304.6-4	\$75	\$150	\$500	No
Nuisance animal	304.6-5	\$75	\$150	\$500	No
Failure to notify an animal bite	304.6-6	\$150	\$500	\$750	No
Failure to comply with ordered quarantine	304.6-6	\$150	\$500	\$750	No
Failure to obey district quarantine	304.6-7	\$150	\$500	\$750	No
<b>LIVESTOCK</b>					
Failure to obtain conditional use permit	304.7-1	\$75	\$150	\$500	No
Violates limitations on livestock based on lot size	304.7-2	\$75	\$150	\$500	No
Livestock at large	304.7-3	\$150	\$500	\$750	No
<b>HENS</b>					
Failure to obtain conditional use permit	304.8-1	\$75	\$150	\$500	No
Prohibited keeping of rooster	304.8-2	\$75	\$150	\$500	No
Exceeding limit of allowed hens	304.8-3	\$75	\$150	\$500	No
Violation of standards for keeping hens	304.8-4	\$75	\$150	\$500	No
Nuisance hens	304.8-5	\$75	\$150	\$500	No
<b>PROHIBITED ANIMAL</b>					
Possessing a prohibited animal	304.9-1	\$250	\$500	\$1,000	No
Failure to obtain prohibited animal permit	304.9-4	\$250	\$500	\$1,000	No
Failure to provide notice of release/escape	304.9-7	\$250	\$500	\$1,000	No
<b>DANGEROUS ANIMAL</b>					
Possessing a dangerous animal	304.10-1	\$500	\$1,000	\$2,000	No
Failure to remove animal from the Reservation	304.10-2(c)	\$500	\$1,000	\$2,000	No
	304.10-4(a)				
Failure to follow leash/muzzle requirements for dangerous animal	304.10-3(b)(1)	\$500	\$1,000	\$2,000	No

Failure to follow confinement requirements for dangerous animal	304.10-3(b)(2)	\$500	\$1,000	\$2,000	No
Failure to post required signs for dangerous animal	304.10-3(b)(3)	\$500	\$1,000	\$2,000	No
Failure to comply with notification requirements for dangerous animal	304.10-3(b)(4) 304.10-4(a)(1)	\$500	\$1,000	\$2,000	No
Failure to submit proof of destruction of animal	304.10-4(b)	\$150	\$300	\$500	No

**BE IT FURTHER RESOLVED**, that in addition to the fines listed above additional penalties may include seizure or impoundment of animal, restitution, costs, damages, dangerous animal determination, and destruction of animal as provided for by the Domestic Animals law.

**BE IT FURTHER RESOLVED**, criminal charges and referrals may be appropriate in certain cases and are not prohibited.

**BE IT FURTHER RESOLVED**, the issuance of a citation for a third offense or more on the fine and penalty schedule shall require the mandatory appearance of the offender at the Trial Court's citation pre-hearing.

**BE IT FURTHER RESOLVED**, the Oneida Police Department Officer or Conservation Warden issuing the citation shall have the discretion to require a mandatory appearance of the offender at the Trial Court's citation pre-hearing for any violation of this law if deemed appropriate.

**BE IT FINALLY RESOLVED**, the Oneida Business Committee hereby adopts this resolution which shall become effective on May 29, 2020.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 13<sup>th</sup> day of May, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
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 Lisa Summers, Secretary  
 Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."