

Chapter 34
ONEIDA TRIBAL REGULATION OF DOMESTIC ANIMALS ORDINANCE
Kátse’na Olihwá’ke
matters concerning the pet animals

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34.1-1. Purpose and Policy. The purpose of this 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.

34.1-2. It is the policy of this law to clearly set out procedures and requirements for licensing domestic animals, as well as to regulate what kinds of animals may be kept as domestic animals. It is also the policy of this law to set out in detail the structure for assessing and collecting license fees and fines to domestic animals, and for investigating and enforcing violations of this law.

34.2-1. Adoption, Amendment, Repeal. This law is adopted by the Oneida Business Committee in accordance with the Administrative Procedures Act by Resolution BC-03-13-96-B and amended by Resolution BC-06-22-11-G.

34.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Council

34.2-3. 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.

34.2-4. All other Oneida law, policies, regulations, rules, resolutions, motions, and all other similar actions which are inconsistent with this law are hereby superseded unless specifically re-enacted after adoption of this law.

34.2-5. This law is adopted under the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

34.3-1. Definitions. This article shall contain definitions of words and phrases used within this law. All words and phrases not defined within this Article, or defined in any section, are to be used in their ordinary sense.

(a) "Conservation Official" includes any employee of the Conservation Department designated by the Oneida Business Committee to implement and enforce this law.

(b) "District Quarantine" results when 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 rounded up and tested for rabies or other diseases.

(c) "Domestic Animals" refers to dogs, cats, weasels, rabbits, guinea pigs, turtles, tropical birds, pigeons, hamsters, non-venomous reptiles, amphibians and arachnids, and all other animals commonly owned as household pets on tribal land.

(d) "Livestock" includes any horse, bovine, sheep, goat, pig, or domestic fowl, including game

fowl raised in captivity.

(e) "Tribal Land" includes all tribal lands held in trust; all tribal lands held in fee status; all fee status lands under the control of individual members of any federally or state recognized Indian tribe, band or community; all heirship lands; and all individual trust lands within the present confines of the Reservation; and to such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by applicable law

(f) "Owner" means any person who owns, harbor, keeps, or controls an animal.

34.4-1. Licensing Authority, Investigation Responsibilities and Enforcement Powers. *The Oneida Conservation Department*

(a) The Oneida Conservation Department shall have the power to issue and collect fees for licenses and shall have the power to levy and collect fines against those who violate this law consistent with the penalty provisions as further set out in this law.

(b) All license fees revenue collected by the Oneida Conservation Department shall go into its general fund. All revenue from the collection of fines paid for violations of this ordinance shall go into the Oneida Police Department general fund. The Oneida Conservation Department shall be responsible for implementing this law and for placing animals in the necessary institutions as required by this law.

34.4-2. *The Oneida Police Department*

(a) The Oneida Police Department shall be charged with investigating complaints on tribal land involving domestic animals and shall have the authority to issue citations to those in violation of this law and shall be authorized to seize animals suspected to be rabid or otherwise dangerous, the officer may as a last resort kill such animal in a humane manner and in a manner that avoids damage to the animal's head.

34.4-3. *Contesting a Fine or Citation.* Any person issued a fine or citation under this law may contest it by attending a hearing before the Environmental Resource Board.

34.5-1. Licensing and Immunization Requirements for Dogs. *License required.*

(a) A dog license is required for the keeping of any dog over five months of age.

(1) Upon payment of the required dog license fee and upon presentation of evidence that the dog is currently immunized against rabies, the conservation official shall complete and issue to the owner a license for the dog bearing a serial number and in the form prescribed by the Conservation Department stating the date of its expiration, the owner's name and address, and the name, sex, sprayed or unsprayed, neutered or unneutered, breed and color of the dog.

(2) The conservation official shall keep a duplicate of the license on file.

(3) After issuing the license, the conservation official shall deliver to the owner a tag of durable material bearing the same serial number as the license, the Oneida Tribe of Indians of Wisconsin as issuer, and the license year.

(4) The owner shall securely attach the tag to a collar and a collar with the tag attached shall be kept on the dog for which the license is issued at all times but this requirement does not apply to a dog while hunting, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under control of its owner.

(5) A new tag with a new number shall be furnished to the owner by a conservation official in place of the original tag upon presentation of the license. The conservation official shall then endorse the new tag number on the license and shall keep a record on file.

(6) The license year commences on January 1 and ends December 31.

(7) The owner of a dog more than five months of age on January 1 of any year, or five months of age within the license year shall annually, on or before the date the dog becomes five months of age, pay the dog license fee and obtain a license.

(8) The license fee shall be \$5 for a neutered male dog or spayed female dog, and \$10 for an unneutered male dog or unspayed female dog, or one half these amounts if the dog became five months of age after July 1.

(b) Exemption of dogs for blind, deaf, and mobility-impaired.

(1) Every dog specially trained to lead blind or deaf person or to provide support for mobility-impaired persons is exempt from the dog license fee and every person owning such dog shall receive annually a free dog license from the Conservation Official upon application.

(c) Anyone found in violation of sec. 5-1, shall be subject to the following penalties:

(1) A fine of not less than \$5 nor more than \$100 for failing to obtain a license for a dog that requires such license to be paid to the Conservation Department.

(2) A fine of not less than \$1 nor more than \$10 for obtaining a license for a dog after the required deadline for obtaining such license had passed; to be paid to the Conservation Department.

34.5-2. *Rabies vaccinations required.*

(a) Rabies vaccination is required for any dog five months or older.

(1) The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and revaccinated within one year after the initial vaccinations.

(2) If the owner obtains the dog or brings the dog onto Oneida tribal land after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought onto Oneida tribal land unless the dog has been vaccinated from the state of Wisconsin or another state.

(3) The owner of a dog shall have the dog vaccinated against rabies after the first two specified vaccinations by a veterinarian before the date that the immunization expires as stated on the certificate of vaccinations. Beginning with the second vaccination, all vaccinations expire within either one year, two years, or three years, as specified on the certificate of vaccination.

(b) District Quarantine.

(1) *Dogs confined.* If a district is quarantined for rabies, all dogs within the district shall be kept securely confined, tied, leashed, or muzzled. Any dog not confined, tied, leashed, or muzzled is declared a public nuisance and may be impounded. All Oneida Police and Conservation Department officers shall cooperate in the enforcement of the quarantine.

(2) *Exemption of vaccinated dog from district quarantine.* A dog that is immunized currently against rabies as evidence by a valid certificate of rabies vaccination or other

evidence is exempt from the district quarantine provisions of sec. 5-2(b)(1).

(c) Anyone found in violations of sec 5-2 shall be subject to the following penalties:

(1) *Failure to obtain rabies vaccinations.* An owner who fails to have a dog vaccinated against rabies as required under sec. 5-2(a) shall be subject to a fine of not less than \$50 nor more than \$1,000 to be paid to the Conservation Department.

(2) *Refusal to comply with order or quarantine.* An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility or veterinarian shall be fined not less than \$50 nor more than \$1,000.

34.5-3. *Nuisance and vicious dogs.*

(a) "Nuisance dog" is defined as one whose actions results in two or more verified disturbances to the owner's neighbors.

(1) "Disturbance" is defined as a dog engaging in excessive barking, running loose, biting, or engaging in threatening behavior.

(2) The Oneida Police Department is responsible for verifying the complaints.

(3) Any nuisance dog may be picked up by the Oneida Police Department or Conservation Department.

(4) A dog engaging in threatening behavior, biting, or running loose shall be ordered kept securely confined, muzzled and otherwise securely leashed until such time as the Oneida Conservation Department shall be informed that the behavior of the dog has changed. An owner violating an order issued under this subsection shall be subject to a fine not less than \$50 nor more than \$1000.

(b) A vicious dog is defined as one who commits two or more unprovoked attacks on anyone, including the owner. The Oneida Police Department is responsible for verification.

(1) The Oneida Police Department may dispose of vicious dogs at any time when public safety is immediately threatened. When public safety is not immediately threatened, the Oneida Police Department may order the owner to dispose of the dog within ten days of a written order to do so.

(2) Animals which are running game animals or that create an immediate threat to public safety or to tribal personnel may be dealt with by using reasonable force to contain such animals. Only the Oneida Police Department and Conservation officials may perform this function.

(c) All dogs subject to this ordinance shall be restrained within a cage or fence or be tied up to an object that restrains the animals from roaming freely outside of the owner's premises. Said restraints shall apply only to owners whose residences are closer in proximity than a 1.5 acre radius to another residence.

34.5-4. *Dogs running at large.*

(a) It shall be unlawful for any person owning or possessing any dog to permit the dame to run at large. For the purpose of this paragraph, "running at large" shall be defined to be the presence of a dog at any place except upon the premises of the owner.

(1) A dog shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

(b) *Impounding dogs*

(1) Whenever any Oneida Police Office or other person designated by the Chief of Police shall find any dog running at large as defined in this ordinance, the officer shall,

if possible, pick up, and impound such animal in such a place as the Oneida Chief of Police may direct.

(2) Whenever any impounded dog shall bear an identification mark such as a collar or license tag, the owner shall be notified forthwith. Any dog impounded shall be held for a period of seven days. At the end of the seven days the impounded dog shall be disposed of unless the owner thereof shall reclaim such dog and pay at the Police Department the reasonable cost of keeping such dog and an impounding fee of \$10 for the first impounding and of \$25 for the second impounding.

34.5-5. *Number of dogs limited in residential areas.*

(a) No person shall own, harbor, or possess more than five dogs within any lot of Oneida tribal land zoned as residential, except a person who:

(1) owned, harbored or possessed more than five dogs on the date he or she became subject to this law. This exclusion shall continue as long as the owner keeps such animals, but does not permit additional dogs which exceed the limit; or

(2) keeps a litter of pups or a portion of a litter for a period not exceeding five months from birth; or

(3) receives a permit from the Oneida Land Commission to operate a kennel.

(b) If more than one family resides on any lot, the party exceeding the limitation imposed by this section is in violation thereof.

34.6-1. *Licensing and Immunization Requirement for Cats. License required.*

(a) A cat license is required for the keeping of any cat over five months of age.

(1) Upon payment of the required cat license fee and upon presentation of evidence that the cat is currently immunized against rabies, the conservation official shall complete and issue to the owner a license for the cat bearing a serial number and in the form prescribed by the Conservation Department stating the date of its expiration, the owner's name and address, and the name, sex, spay or unspayed, neutered or unneutered, breed and color of the cat.

(2) The conservation official shall keep a duplicate copy of the license.

(3) After issuing the license, the conservation official shall deliver to the owner a tag of durable material bearing the same serial number as the license, the Oneida Tribe of Indians of Wisconsin as issuer, and the license year.

(4) The owner shall securely attach the tag to a collar and a collar with the tag attached shall be kept on the cat for which the license is issued at all times.

(5) A new tag with a new number shall be furnished to the owner by a Conservation Official in place of the original tag upon presentation of the license. The Conservation Official shall then endorse the new tag number on the license and shall keep a record on file.

(6) The license year commences on January 1 and ends December 31.

(7) The owner of a cat more than five months of age on January 1 of any year, or five months of age within the license year shall annually, on or before the date the cat becomes five months of age, pay the cat license fee and obtain a license.

(8) The license fee shall be \$5 for a neutered male cat or spayed female cat, and \$10 for an unneutered male cat or unspayed female cat, or one half these amounts of the

cat fee if the cat became five months of age after July 1.

(b) Anyone found in violation of sec 6-1, shall be subject to the following penalties:

(1) A fine of not less than \$5 nor more than \$100 for failing to obtain a license for a cat that requires such license to be paid to the Conservation Department.

(2) A fine of not less than \$1 nor more than \$10 for obtaining a license for a cat after the required deadline for obtaining such license has passed to be paid to the Conservation Department.

34.6-2. *Rabies vaccinations required.*

(a) Rabies vaccination is required for any cat five months or older.

(1) The owner of a cat shall have the cat vaccinated against rabies by a veterinarian within 30 days after the cat reaches four months of age and revaccinated within one year after the initial vaccinations.

(2) If the owner obtains the cat or brings the cat onto Oneida tribal land after the cat has reached four months of age, the owner shall have the cat vaccinated against rabies within 30 days after the cat is obtained or brought on to the Oneida tribal land unless the cat had been vaccinated from the state of Wisconsin or another state.

(3) The owner of a cat shall have the cat vaccinated against rabies after the first two specified vaccinations by a veterinarian before the date that the immunization expires as stated on the certificate of vaccinations. Beginning with the second vaccination, the next vaccinations expire within either one year, two years, or three years, as specified on the certificate of vaccination.

(b) District Quarantine.

(1) *Cats confined.* If a district is quarantined for rabies, all cats within the district shall be kept securely confined, tied, leashed, or muzzled. Any cat not confined, tied, leashed, or muzzled is declared a public nuisance and may be impounded. All Oneida Police and Conservation Department officers shall cooperate in the enforcement of the quarantine.

(2) *Exemption of vaccinated cat from district quarantine.* A cat that is immunized currently against rabies as evidence is exempt from the district quarantine provisions of sec. 6-2(b)(1).

(c) Anyone found in violations of sec. 5-2 shall be subject to the following penalties:

(1) *Failure to obtain rabies vaccinations.* An owner who fails to have a cat vaccinated against rabies as required under sec. 5-2 (a) shall be subject to a fine of not less than \$50 nor more than \$1,000 to be paid to the Conservation Department.

(2) *Refusal to comply with order or quarantine.* An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility or veterinarian shall be fined not less than \$50 nor more than \$1,000.

34.6-3. *Cats running at large.*

(a) It shall be unlawful for any person owning or possessing any cat to permit the same to run at large. For the purpose of this paragraph, "running at large" shall be defined to be the presence of a cat at any place except upon the premises of the owner.

(1) A cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

(b) *Impounding cats.*

(1) Whenever any Oneida Police Officer or other person designates by the Chief of Police shall find any cat running at large as defined in this ordinance, the office shall, if possible, pick up, and impound such animal in such place as the Oneida Chief of Police may direct.

(2) Whenever any impounded cat shall bear an identification mark such as a collar or license tag, the owner shall be notified forthwith. Any cat impounded shall be held for a period of seven days. At the end of the seven days the impounded cat shall be disposed of unless the owner thereof shall reclaim such cat and pay at the Police Department the reasonable cost of keeping such cat and an impounding fee of \$10 for the first impounding and of \$25 for the second impounding.

34.6-4. *Number of cats limited in residential areas.*

(a) No person shall own, harbor, or possess more than five cats within any lot of Oneida tribal land zoned as residential, except a person who:

(1) owned, harbored or possessed more than five cats on the date he or she became subject to this law. This exclusion shall continue as long as the owner keeps such animals, but does not permit additional cats which exceed the limit; or

(2) keeps a litter of kittens or a portion of a litter for a period not exceeding five months from birth; or

(3) receives a permit from the Oneida Land Commission to operate a kennel.

(b) If more than one family resides on any lot, the party exceeding the limitation imposed by this section is in violation thereof.

34.7-1. *Immunization of other Domestic Animals and Livestock. Rabies inoculation recommended.* All warm-blooded animals, domestic and wild, are susceptible to rabies. Once affected by rabies, the disease is fatal to uninoculated animals and untreated humans. The inoculation of dogs and cats as required in Articles five and six is recommended for other domestic animals and livestock.

34.8-1. *Prohibited Animals.* No person shall bring into, keep, maintain, offer for sale or barter, or release to the wild on Oneida Tribal land:

(a) Any poisonous or venomous biting or injecting species of amphibian, arachnid or reptile, including snakes.

(b) Any snake not indigenous to Wisconsin.

(c) Any snake indigenous to Wisconsin of the following species, which has attained a length of five feet (5') or greater:

(1) Pilot black snake (*Elaphe Obsoleta*).

(2) Bull snake (*Pituophis melanoleucas sayi*).

(3) Fox snake (*Elaphe eupina eulpina*).

34.8-2. This section shall not prohibit specially trained entertainment organizations, educational or medical institutions, or a person designated by the Conservation Department from keeping such animal where the same is securely and humanely confined.

34.8-3. Any Oneida Police or Conservation officer shall have the authority to enforce the provisions of this Article, including, but not limited to, seizing any animal which the officer reasonably believes has been taken, employed, used, or possessed in violation of this section.

34.8-4. Any animal seized under sec. 8-3 shall be held by the Conservation Officer or turned over to the Brown County or Outagamie County Health Department until that animal identified as to genus and species to ascertain whether the animal is an endangered species under sec. 29.415, Wis. Stats. At any time after such identification, the Conservation Department may seek an order from a court for order as to the care, custody and control of the animal. The Conservation Department may also request the defendant to post a bond in an amount sufficient to satisfy the costs of holding the animal. If the courts finds the animal has been taken, employed, used or possessed in violation of this Article, the cost of holding the animal and any costs incurred in identifying the animal shall be assessed against the defendant.

34.8-5. Anyone found in violation of this article shall forfeit the prohibited animal to the Oneida Tribe for destruction or disposition as the Conservation Department deems proper. Prior to such forfeiture, the Conservation Department may direct a transfer of the animal to a qualified zoological, educational, or scientific institution or qualified private propagator safekeeping, with costs assessed against the defendant.

34.8-6. *Penalty.* Any person who shall violate any provision of this Article shall forfeit not less than \$5 nor more than \$300. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the Conservation Department from maintaining any appropriate action to prevent or remove a violation of this chapter.

34.9-1. Regulation of Livestock. *Restricted to owner's property.* Livestock may be kept on Tribal land zoned residential, not in excess of the following limitations:

- (a) One large animal, such as horse, a cow, or pig per one acre.
- (b) One small animal, such as a goat or sheep per one half acre.
- (c) One goat or sheep per recorded lot under one-half acre when set back requirements can be met.
- (d) Ten fowl or rabbits per one-half acre.
- (e) Five fowl or rabbits per recorded lot under one-half acre.

34.9-2. *Setback requirements.*

- (a) The primary dwelling for horses, ponies, cows, or pigs, must be at least 75 feet from the lot line and 100 feet from any neighboring house.
- (b) Primary dwelling for sheep or goats must be at least 50 feet away from any neighboring house.
- (c) Primary dwelling for fowl and rabbits must be at least 35 feet away from any neighboring house.
- (d) Fencing for the keeping of livestock shall not be closer than 75 feet from the front lot line.
- (e) Fencing for any livestock must be constructed in such a manner that animals may not reach legs, neck, wing, or any body part into neighbor's property, or to any shrub, or plant growing on the neighbor's property.

34.9-3. *Manure.* Manure shall not be allowed to accumulate and must be cleaned up on a regular basis.

34.9-4. *Penalty.* Any persons violating any provisions of Article nine shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which violation occurs or continues.

34.9-5. *Liability for damage caused by livestock.* Any person whose livestock escapes from its

normal confined area and becomes at large is responsible for any and all damage to persons and property caused by such livestock while it is away from its normal confined area.

34.10-1. Damages Caused by Domestic Animals. *Damages caused by domestic animals.*

(a) Liability for injury.

(1) First offense. The owner of a domestic animal is liable for the full amount of damages caused by the domestic animal to a person, livestock, or property.

(2) Second offense. The owner of a domestic animal is liable for two times the full amount of damages caused by the domestic animal injuring or causing injury to a person, livestock or property if the owner was notified or knew that the domestic animal previously injured or caused injury to person, livestock, or property.

(b) Penalties imposed on owner of domestic animal causing damage in addition to liability for damages.

(1) First offense. The owner of domestic animal shall forfeit not less than \$25 nor more than \$100 if the domestic animal injures or causes injury to a person, livestock, property, deer, game birds, or the nest or eggs of game birds.

(2) Second offense. The owner of a domestic animal shall forfeit not less than \$75 nor more than \$500 if the domestic animal injures or causes injury to a person, livestock, property, game bird, or the nests or eggs of game birds, if the owner was notified or know that the domestic animal previously injured or caused injury to a person, livestock, property, deer, game bird, or the nests or eggs of game birds.

34.10-2. Investigations for suspected dog bites.

(a) The dog owner shall notify the Oneida Police Department of a dog bite and provide

(1) Name, address, and phone number of the victim(s).

(2) Name, address, and phone number of the owner.

(3) Date, time, and location of the incident.

(4) Details of the incident including whether it was provoked attack.

(b) The Oneida Police Department shall in all cases:

(1) Contract the owner of the dog.

(2) Ascertain whether the dog has proper license and current vaccinations.

(3) Ensure all information provided is correct and contact the Conservation Department and order that the dog be observed. If the dog cannot be located, an appropriate non-tribal law enforcement department may be contacted for assistance.

(c) Subsequent to the owner being contracted and the dog having been observed by the Conservation Department, the Conservation Department shall request the Oneida Police Department to do the following:

(1) If the dog has current rabies vaccination, order the owner to chain the dog for ten days and allow two observations by the conservation Department. At the end of the ten days, the Conservation Department may:

(A) End observation

(B) Order the dog to be sacrificed and send the specimen to the State Laboratory of Hygiene for analysis to be paid for from the licensing fund. This may be done before the ten day observation period ends.

(2) If the dog had not had a rabies vaccination, the Conservation Department may

order:

(A) The dog to be sacrificed and the specimen sent to the State Laboratory of Hygiene for analysis at the owner's expense. The Conservation Department will prepare and obtain a veterinarian's authorization.

(B) A twenty-one day period of direct observation by a licensed veterinarian under the control of the veterinarian at the owner's expense. At the end of the observation period the Conservation Department may:

(i) End observation and release the dog to owner; or

(ii) Order the dog to be sacrificed and send the specimen to the State Laboratory of Hygiene for analysis at the owner's expense. This may be ordered to the end of the twenty-one day period if danger to humans or other animal is apparent.

(C) Stray dogs shall be referred to the Oneida Police Department.

34.10-3. Investigation of other animals. A conservation Officer may order killed or may kill an animal other than a dog if the officer has reason to believe that the animal is infected with rabies and has or may have bitten a person.

34.10-4. Penalties. An owner who refuses to comply with an order issued under this article to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with conditions of an order that an animal be quarantined shall be fined not less than \$50 nor more than \$1000.

Adopted - BC-3-13-96-B

Amended – BC-06-22-11-G