



# Title 3. Health and Public Safety – Chapter 304 DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES

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## **1.1 Purpose and Authority**

1.1-1. *Purpose.* The purpose of this rule is to codify the existing licensing fee schedule and establish an updated fine and penalty schedule.

1.1-2. *Authority.* The Domestic Animals law delegates joint rulemaking authority to the Environmental Health Safety and Land Division and the Environmental Resource Board pursuant to the Administrative Rulemaking law.

## **1.2. Adoption, Amendment and Repeal**

1.2-1. This rule was adopted by the Environmental Health Safety and Land Division and the Environmental Resource Board in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the Environmental Health Safety and Land Division and the Environmental Resource Board pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to licensing fees, fines and penalties, and citations issued pursuant to the Domestic Animals law.

## **1.3. Definitions**

1.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Citation” means a form of the Oneida Nation Citation that conforms to this rule and is approved for use by the Environmental Resources Board,
- (b) “Conservation Officer”, “Conservation Warden”, or “Warden” may be used interchangeably and means a Conservation Warden with the Oneida Conservation Department.

(c) “Law Enforcement Officer” means a Law Enforcement Officer with the Oneida Police Department.

**1.4. Licensing and Permit Fee Schedule**

1.4-1. Licenses and Permits fees required by the Domestic Animals law are incorporated in this rule as an attachment.

**1.5. Fines and Penalty Schedule.** Violations of the Domestic Animals law may result in the issuance of a citation by a law enforcement or conservation officer. A citation may include any or all the fines/penalties authorized in the Domestic Animals law and/or set forth in this rule; The Fines and Penalty Schedule is incorporated in this rule as an attachment.

*End.*

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Original effective date: 04-25-2018

| LICENSING/PERMIT FEE SCHEDULE                                     |                                 |                       |                                   |                    |             |                      |  |
|---|---------------------------------|-----------------------|-----------------------------------|--------------------|-------------|----------------------|--|
| License/Permit Type   | Fee (per animal)                | License/Permit Period | Location to obtain License/Permit |                    |             |                      |  |
| Cat License   | \$5 if spayed/neutered; or \$10 | January 1-December 31 | LBDC or Oneida Conservation       |                    |             |                      |  |
| Dog License   | \$5 if spayed/neutered; or \$10 | January 1-December 31 | LBDC or Oneida Conservation       |                    |             |                      |  |
| Exotic Animal Permit - Reference 304.8-2                          | \$10 (all exotics)              | January 1-December 31 | Oneida Conservation               |                    |             |                      |  |
| Hen Permit  | \$10 (5 or more)                | January 1-December 31 | Oneida Conservation               |                    |             |                      |  |
| Conditional Use Permit - Livestock Residential Area               | \$0                             | See *** below         | Zoning Department                 |                    |             |                      |  |
| DOMESTIC ANIMAL FINE AND PENALTY SCHEDULE                         |                                 |                       |                                   |                    |             |                      |  |
| Violation   | Reference                       | 1st Offense           | 2nd Offense                       | 3rd Offense and up | Must Appear | Restitution Possible | Other Possible Penalty*                    |
| DOG/CAT REQUIREMENTS  |                                 |                       |                                   |                    |             |                      |  |
| No required license   | 304.6-1                         | \$25                  | \$50                              | \$100              |             |                      | Seize/Impound**                            |
| Improperly/no attached license                                    | 304.6-1(b)                      | \$25                  | \$50                              | \$100              |             |                      | Seize/Impound                              |
| No current rabies vaccine   | 304.6-2                         | \$150                 | \$500                             | \$750              |             |                      | Seize/Impound                              |
| Failure to obey district quarantine                               | 304.6-3                         | \$500                 | \$750                             | \$1,000            | Y           |                      | Seize/Impound                              |
| Animal running at large   | 304.6-4                         | \$150                 | \$500                             | \$750              |             |                      | Seize/impound                              |
| Nuisance animal   | 304.6-4                         | \$150                 | \$500                             | \$750              | Y           |                      | Seize/impound/Costs                        |
| Exceeding limit of allowed animals (per animal)                   | 304.6-5                         | \$25 ea.              | \$50 ea.                          | \$100 ea.          | y           |                      | Seize/Impound                              |
| TREATMENT OF ANIMALS  |                                 |                       |                                   |                    |             |                      |  |
| Failure to provide food/water                                     | 304.7-1                         | \$500                 | \$750                             | \$1,000            | Y           |                      | Seize/Impound                              |
| Failure to comply with shelter standards                          | 304.7-2(a) or (b)               | \$150                 | \$500                             | \$750              | Y           |                      | Seize/Impound                              |
| Failure to meet enclosure space standards                         | 304.7-1(c)                      | \$150                 | \$500                             | \$750              | Y           |                      | Seize/Impound                              |
| Failure to comply with sanitation standards                       | 304.7-1(d)                      | \$150                 | \$500                             | \$750              | Y           |                      | Seize/Impound                              |
| Mistreatment of animals   | 304.7-3                         | \$500                 | \$750                             | \$1,000            | Y           |                      | Seize/Impound                              |
| PROHIBITED ANIMALS  |                                 |                       |                                   |                    |             |                      |  |
| Keep/Release prohibited or exotic animal                          | 304.8-1 or 2                    | \$500                 | \$750                             | \$1,000            | Y           |                      | Seize/Impound                              |
| Possessing prohibited or exotic animal without required permit    | 304.8-3                         | \$150                 | \$500                             | \$750              |             |                      | Seize/Impound/Costs                        |
| Failure to provide notice of release/escape                       | 304.8-5                         | \$500                 | \$750                             | \$1,000            | Y           |                      | Seize/Impound                              |
| LIVESTOCK   |                                 |                       |                                   |                    |             |                      |  |
| Keeping livestock with no conditional use permit                  | 304.9-1                         | \$100                 | \$200                             | \$300              |             |                      | Seize/Impound                              |
| Violate livestock lot requirements                                | 304.9-1                         | \$150                 | \$500                             | \$750              |             |                      | Seize/Impound                              |
| Livestock at large  | 304.9-2                         | \$150                 | \$500                             | \$750              |             | Y                    | Seize/Impound                              |
| Keeping hens without required permit                              | 304.9-3                         | \$100                 | \$200                             | \$300              |             |                      | Seize/Impound                              |
| Prohibited keeping of rooster(s)                                  | 304.9-3                         | \$100                 | \$200                             | \$300              |             |                      | Seize/Impound                              |
| Keeping hen(s) in prohibited manner                               | 304.9-3(a)                      | \$100                 | \$200                             | \$300              | Y           |                      | Seize/Impound                              |
| Nuisance hen(s)   | 304.9-3(b)                      | \$100                 | \$200                             | \$300              |             |                      | Seize/Impound                              |
| DANGEROUS ANIMALS   |                                 |                       |                                   |                    |             |                      |  |
| Harboring a Dangerous Animal                                      | 304.10-1 or 2                   | \$500                 | \$1,000                           | \$2,000            | Y           | Y                    | Seize/Impound/Declaration of Dangerousness |
| Failure to post required dangerous animal sign(s)                 | 304.10-2(c)                     | \$100                 | \$200                             | \$300              |             |                      | Seize/Impound                              |
| Failure to spay/neuter required animal                            | 304.10-2(d)                     | \$150                 | \$500                             | \$750              | Y           |                      | Seize/Impound                              |
| Failure to provide/ provide proof of required liability insurance | 304.10-2(e)                     | \$150                 | \$500                             | \$750              | Y           |                      | Seize/Impound                              |
| Failure to notify of insurance policy cancelation                 | 304.10-2(e)                     | \$150                 | \$500                             | \$750              | Y           |                      | Seize/Impound                              |
| Failure to microchip required animal                              | 304.10-2(f)                     | \$150                 | \$500                             | \$750              | Y           |                      | Seize/Impound                              |

|  |                |       |         |         |   |   |   |
|--|----------------|-------|---------|---------|---|---|---|
| Failure to comply with ongoing notification requirements | 304.10-2(g)    | \$150 | \$500   | \$750   | Y |   | Seize/Impound   |
| Bringing/Keeping a vicious animal                        | 304.10-3       | \$750 | \$1,500 | \$2,500 | Y | Y | Seize/Impound/Declaration of Viciousness/ Destruction/Costs |
| Failure to provide required proof of destruction         | 304.10-3(b)(3) | \$150 | \$500   | \$750   | Y |   | Seize/Impound/Declaration of Viciousness/ Destruction/Costs |
| Failure to notify police of animal bite                  | 304.10-4       | \$150 | \$500   | \$750   |   |   |   |
| Failure to quarantine                                    | 304.10-4(a)    | \$500 | \$750   | \$1,000 | Y |   | Seize/Impound/Declaration of Viciousness/ Destruction/Costs |
| LIABILITY FOR DAMAGE(S)                                  |                |       |         |         |   |   |   |
| Damage caused by animal                                  | 304.11-1       | \$100 | \$200   | \$300   | Y | y | Seize/Impound/Liability for damage up to 2x amount          |

\*Criminal charges/referrals may be appropriate in certain cases and is not prohibited

\*\*Seize/Impound may include forfeiture and destruction in certain cases. Owners are responsible for impound costs/fees.

\*\*\* Conditional Land Use Permit(s) for Livestock in a residential area expires when the permittee resides at an address that is different than what is listed on the permit; please note that Conditional Land Use permits are not attached to the land but to the individual they are issued.